

FEDERAL REGISTER

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Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Farm Credit Administration
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal National Mortgage
Association
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Internal Revenue Service
Public Health Service
Treasury Department

Detailed list of Contents appears inside.



5-Year Compilations of Presidential Documents

Supplements to Title 3

of the

Code of Federal Regulations

The Supplements to Title 3 of the Code of Federal Regulations contain the full text of proclamations, Executive orders, reorganization plans, trade agreement letters, and certain administrative orders issued by

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7476; Amdt. 96-143]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] of the Federal Aviation Regulations is amended, effective August 18, 1966, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.239 *Red Federal airway 39* is amended to read in part:

Bethel, Alaska, LF/RBN; *Aniak, Alaska, LF/RBN; 2,300. *3,500—MCA Aniak LF/RBN, northeastbound.
Aniak, Alaska, LF/RBN; McGrath, Alaska, LFR; 5,800.

Section 95.299 *Red Federal airway 99* is amended to read:

Kukalek INT, Alaska, Iliamna, Alaska, LF/RBN; 4,000.
Iliamna, Alaska, LF/RBN; Bruin Bay INT, Alaska; 6,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Dock INT, N.C.; Green INT, N.C.; *4,500. *1,400—MOCA.
Kalamazoo, Mich., VOR; Lawton INT, Mich.; 3,000.
South Bend, Ind., VOR; Lawton INT, Mich.; 3,000.
Royston, Ga., VOR; Greenville-Spartanburg, S.C., LOM; *2,500. *2,200—MOCA.
Graham INT, Ala.; Talladega, Ala., VOR; *3,600. *2,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Domestic Yakutat INT, Alaska; Middleton Island, Alaska, VOR; *2,000. *10,000 required without HF airborne communication equipment.

From, to, and MEA

Denver, Colo., VOR; Colorado Springs, Colo., VOR; 9,700.

Huntsville, Ala., VOR; Tuscaloosa, Ala., VOR; *3,000. *2,400—MOCA.

Boone, Tenn., RBN; *Afton INT, Tenn.; *6,000. COP 15 BON. *5,500—MRA. *4,000—MOCA.

Int, 231° M rad, Holston Mountain VOR and 140° M bearing from Boone RBN; *Unicoi INT, Tenn.; *7,000. *6,500—MCA Unicoi INT, southbound. *6,500—MOCA.

Boone, Tenn., RBN; Int, 231° M rad, Holston Mountain VOR and 140° M bearing from Boone RBN; *6,000. *5,000—MOCA. COP 10 BON.

Boone, Tenn., RBN; Yuma INT, Va.; *4,000. *3,000—MOCA.

Boone, Tenn., RBN; Int, 231° M rad, Holston Mountain VOR and 331° M rad, Asheville VOR; *7,000. 6,500—MOCA.

Long Beach, Calif., VOR; El Monte INT, Calif., via LGB 341° M rad; *4,000. *3,400—MOCA.

McAllen, Tex., VOR; Hargill INT, Tex.; *1,700. *1,500—MOCA.

Hargill INT, Tex., Armstrong INT, Tex.; *3,000. *1,400—MOCA.

McAllen, Tex., VOR; Elsa INT, Tex.; *1,600. *1,400—MOCA.

Elsa INT, Tex.; Harlingen, Tex., VOR; *1,600. *1,400—MOCA.

Anniston, Ala., VOR; Graham INT, Ala.; 4,500. Columbus, Ga., VOR; Pine Mountain Int, Ga., 3,400.

Flint, Mich., VOR; St. Johns INT, Mich.; *2,500. *2,100—MOCA.

St. Johns INT, Mich.; Lyons INT, Mich.; *4,000. *2,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Domestic Annette INT, Alaska; Domestic Yakutat INT, Alaska; *2,000. *10,000 required without HF airborne communication equipment.

Int, 188° M rad, Holston Mountain VOR and 121° M bearing from Boone RBN; *Linville INT, N.C.; *7,000. *7,000—MOCA Linville INT, southeastbound. *6,600—MOCA.

Boone, Tenn., RBN, Int, 231° M rad, Holston Mountain VOR and 133° M bearing from Boone RBN; *6,000. *4,500—MOCA.

Int, 231° M rad, Holston Mountain VOR and 133° M bearing from Boone RBN; *Roan Mountain Int, Tenn.; *7,000. *7,000—MCA Roan Mountain INT, southbound. *6,000—MOCA.

Boone, Tenn., VOR Int, 188° M rad, Holston Mountain VOR and 121° M bearing from Boone RBN; *6,000. *4,500—MOCA.

San Diego, Calif., VOR via SAN R 345° and ONT R 128°; Ontario, Calif., VOR; 6,000. San Diego, Calif., VOR; *Ontario, Calif., VOR; 7,700. COP 47 SAN. *6,300—MCA Ontario VOR, southeastbound.

Battle Creek, Mich., VOR; Centerville INT, Mich.; 2,100. MAA—12,000.

Battle Creek, Mich., VOR; Kalamazoo, Mich., VOR; 2,100 MAA—12,000.

Battle Creek, Mich., VOR; Sherwood INT, Mich.; 2,500. MAA—12,000.

Kalamazoo, Mich., VOR; Centerville INT, Mich.; 2,500.

Kalamazoo, Mich., VOR; Long Lake INT, Mich.; 2,700.

Florence, S.C., VOR; Planter INT, S.C.; *2,000. *1,400—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From, to, and MEA

*Davis INT, S.C.; Planter INT, S.C.; *3,000. *3,000—MRA. *1,300—MOCA.
Planter INT, S.C.; Myrtle Beach, S.C., VOR; *2,000. *1,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Homo INT, Fla.; Cross City, Fla., VOR; *3,000. *1,400—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended by adding:

Green Bay, Wis., VOR; Iron Mountain, Mich., VOR; *3,000. *2,800—MOCA.

Iron Mountain, Mich., VOR; Houghton, Mich., VOR; *3,500. *3,100—MOCA.

Iron Mountain, Mich., VOR via E alter.; Marquette, Mich., VOR via E alter.; *3,500. *3,200—MOCA.

Marquette, Mich., VOR via E alter.; Houghton, Mich., VOR via E alter.; *3,300. *3,100—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

St. Louis, Mo., VOR; Fidelity INT, Ill.; *2,400. *2,000—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Dodge City, Kans., VOR via N alter.; Dundee INT, Kans., via N alter.; *4,500. *3,700—MOCA.

Dundee INT, Kans., via N alter.; *Sterling INT, Kans., via N alter.; *4,500. *4,000—MRA. *3,200—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Humble INT, Tex., Cleveland INT, Tex., *1,600. *1,100—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

St. Joseph, Mo. VOR; Skidmore INT, Mo.; *2,800. *2,300—MOCA.

Skidmore INT, Mo.; Elmo INT, Mo.; *2,800. *2,100—MOCA.

Elmo INT, Mo.; Coin INT, Iowa; *2,900. *2,200—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Knoxville, Tenn., VOR via S alter.; *Potts INT, Tenn., via S alter.; *5,000. *10,000—MAA. *5,000—MRA. *4,100—MOCA.

Potts INT, Tenn., via S alter.; *Pittman INT, Tenn., via S alter.; *6,000. *10,000—MAA. *8,000—MCA Pittman INT, eastbound. *2,100—MOCA.

Pittman INT, Tenn., via S alter.; Snowbird, Tenn., VOR via S alter.; *8,000. *7,000—MOCA.

Piedmont INT, Tenn.; Telford INT, Tenn.; 4,000.

Salem INT, Conn.; Norwich, Conn., VOR; *2,300. *2,000—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McAllen, Tex., VOR; McCook INT, Tex.; *1,800. *1,500—MOCA. MAA—9,000.

Losoya INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.

From, to, and MEA

Austin, Tex., VOR; *Georgetown INT, Tex.; 2,300. *4,000—MRA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

*Redwood INT, Miss.; **Flora INT, Miss.; ***2,000. *3,500—MRA. **3,200—MRA. ***1,400—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

*San Luis Obispo, Calif., VOR via W alter.; Paso Robles, Calif., VOR via W alter.; **7,000. *6,000—MCA San Luis Obispo VOR northbound. **4,800—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

*Richey INT, Fla.; Cross City, Fla., VOR; **2,000. *2,500—MRA. **1,400—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Myrtle Beach, S.C., VOR; Ash INT, N.C.; *1,800. *1,100—MOCA.
Ash INT, N.C.; Fayetteville, N.C., VOR; *3,000. *1,500—MOCA. MAA—4,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

*Decker INT, Ind.; **Baden INT, Ind.; ***3,000. *2,300—MRA. **3,000—MRA. ***2,300—MOCA.
Baden INT, Ind.; Livonia INT, Ind.; *3,000. *1,800—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended by adding:

Ellijay INT, Ga., via W alter.; Chatsworth INT, Ga., via W alter.; 4,600.
Chatsworth INT, Ga., via W alter.; Chattanooga, Tenn., VOR via W alter.; 3,000.
Chattanooga, Tenn., VOR via W alter.; Dayton INT, Tenn., via W alter.; 3,500.
Dayton INT, Tenn., via W alter.; Crossville, Tenn., VOR via W alter.; 5,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Shelbyville, Ind., VOR; Stockwell INT, Ind.; 2,900.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Athens, Ga., VOR; Iva INT, S.C.; *2,300. *2,000—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

*Comfort INT, Tex.; Van Raub INT, Tex.; **3,100. *4,000—MRA. **2,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Richwoods, Mo., VOR; Imperial INT, Mo.; *2,600. *2,100—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Brady INT, Tex.; Llano, Tex., VOR; *3,500. *3,100—MOCA.
Llano, Tex., VOR; via S alter.; Granite Shoals INT, Tex., via S alter.; *3,300. *2,800—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Concord INT, Ga.; Brooks INT, Ga.; *2,800. *2,300—MOCA.
Shelbyville, Ind., VOR; Stockwell INT, Ind.; 2,900.

From, to, and MEA

Lebanon INT, Ind., via W alter.; Stockwell INT, Ind., via W alter.; 2,900.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

*Los Angeles, Calif., VOR via W alter.; Ventura, Calif., VOR via W alter.; 5,000. *2,400—MCA Los Angeles VOR, westbound.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Vernon INT, Tex.; Wichita Falls, Tex., VOR; *3,000. *2,700—MOCA.
Gregg Co., Tex., VOR; Carthage INT, Tex.; *2,300. *1,600—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Sioux Falls, S. Dak., VOR; Bigelow INT, Iowa; 3,600.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

California INT, Ky.; York, Ky., VOR; 3,000.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Duluth, Minn., VOR via E alter.; Hibbing, Minn., VOR via E alter.; *3,300. *2,600—MOCA.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

Hartford, Conn., VOR; Norwich, Conn., VOR; *2,600. *2,000—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

*Ransom INT, Kans.; Dundee INT, Kans.; **10,000. *10,000—MRA. **3,500—MOCA.
Dundee INT, Kans.; *Sterling INT, Kans.; **4,500. *4,000—MRA. **3,200—MOCA.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

*Fellows, Calif., VOR; **San Luis Obispo, Calif., VOR; ***7,000. *6,500—MCA Fellows VOR, eastbound. *6,000—MCA San Luis Obispo VOR, eastbound. ***6,400—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Selma, Ala., VOR; *Benton INT, Ala.; **2,000. *2,800—MRA. **1,300—MOCA.
Benton INT, Ala.; Montgomery, Ala., VOR; *2,000. *1,300—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Ocala, Fla., VOR via W alter.; Cross City, Fla., VOR via W alter.; *2,000. *1,400—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Walnut INT, Kans.; Butler, Mo., VOR; *2,800. *2,500—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Losoya INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.
Kingsland INT, Tex.; Lometa, Tex., VOR; *3,200. *2,800—MOCA.
San Antonio, Tex., VOR via W alter.; *Guadalupe INT, Tex., via W alter.; **3,000. *4,300—MRA. **2,500—MOCA.
Llano, Tex., VOR via W alter.; Lometa, Tex., VOR via W alter.; *3,200. *2,700—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Hickory INT, Mich.; Leslie INT, Mich.; *4,500. *3,000—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

From, to, and MEA

Weaverville INT, N.C., via E alter.; Ottway INT, Tenn., via E alter.; 7,000.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Comfort INT, Tex.; Van Raub INT, Tex.; **3,100. *4,000—MRA. **2,800—MOCA.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

St. Joseph, Mo., VOR; Skidmore INT, Mo.; *2,800. *2,300—MOCA.
Skidmore INT, Mo.; Elmo INT, Mo.; *2,800. *2,100—MOCA.
Elmo INT, Mo.; Coin INT, Iowa; *2,900. *2,200—MOCA.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Myrtle Beach, S.C., VOR; Ash INT, N.C.; *1,800. *1,100—MOCA.
Ash INT, N.C.; Wallace INT, N.C.; *3,000. *1,400—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Redwood INT, Tex.; *2,700. *2,600—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

Crestview, Fla., VOR; Darlington INT, Fla.; *2,000. *1,700—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

*St. Marks INT; **Baden INT, Ind.; ***2,500. *3,000—MRA. **3,000—MRA. ***1,800—MOCA.

Section 95.6245 *VOR Federal airway 245* is amended to read in part:

Jackson, Miss., VOR; *Sharon INT, Miss.; **2,000. *2,700—MRA. **1,500—MOCA. MAA—7,000.
Sharon INT, Miss.; Columbus, Miss., VOR; *2,400. *2,000—MOCA. MAA—7,000.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

Lewiston, Idaho, VOR; Pullman, Wash., VOR; *6,000. *5,400—MOCA.
Pullman, Wash., VOR; Spokane, Wash., VOR; *6,000. *5,600—MOCA.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Westminster, Md., VOR; Hampton INT, Pa.; 3,000.
Hampton INT, Pa.; Harrisburg, Pa., VOR; 3,100.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Dayton, Ohio, VOR; Wilson INT, Ohio; *2,500. *2,000—MOCA.
Wilson INT, Ohio; Dayton, Ohio, VOR; *5,500. *2,400—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Homo INT, Fla.; Cross City, Fla., VOR; *3,000. *1,400—MOCA.

Section 95.6299 *VOR Federal airway 299* is amended to read in part:

*Los Angeles, Calif., VOR; Virginia INT, Calif.; 5,000. *2,400—MCA Los Angeles VOR, westbound.

Section 95.6321 *VOR Federal airway 321* is amended to read in part:

From, to, and MEA

Atlanta, Ga., VOR; Graham INT, Ala.; 3,100.

Section 95.6335 *VOR Federal airway 335* is amended to read in part:

Marion, Ill., VOR; Barracks INT, Mo.; *4,000. *2,600—MOCA.
Barracks INT, Mo.; Meramec INT, Mo.; 2,600.

Section 95.6408 *Hawaii VOR Federal airway 8* is amended to read in part:

Windward INT, Hawaii; Tuna INT, Hawaii; 4,000.

Section 95.6430 *VOR Federal airway 430* is amended by adding:

Ironwood, Mich., VOR; Iron Mountain, Mich., VOR; *3,600. *3,000—MOCA.
Iron Mountain, Mich., VOR; Escanaba, Mich., VOR; *3,000. *2,800—MOCA.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

Madison, Conn., VOR via E alter.; Norwich, Conn., VOR via E alter.; *2,300. *2,000—MOCA.

Section 95.6520 *VOR Federal airway 520* is amended to read in part:

*Walla Walla, Wash., VOR; Cloverland INT, Idaho; *8,000. *5,500—MCA Walla Walla VOR, northeastbound. *7,700—MOCA.
Cloverland INT, Idaho; Lewiston, Idaho, VOR, northeastbound; *5,500. Southwestbound; *8,000. *5,300—MOCA.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

*Walla Walla, Wash., VOR; Pullman, Wash., VOR; *6,000. *4,000—MCA Walla Walla VOR, northeastbound. *5,700—MOCA.
Pullman, Wash., VOR; Mullan Pass, Idaho, VOR; *9,000. *8,800—MOCA.

Section 95.7004 *Jet Route No. 4* is amended to read in part:

From, to, MEA, and MAA

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Blythe, Calif., VORTAC; 18,000; 45,000.

Section 95.7010 *Jet Route No. 10* is amended to read in part:

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.

Section 95.7053 *Jet Route No. 53* is amended to read in part:

Miami, Fla., VORTAC; Orlando, Fla., VORTAC; 18,000; 45,000.
Orlando, Fla., VORTAC; Jacksonville, Fla., VORTAC; 18,000; 45,000.

Section 95.7060 *Jet Route No. 60* is amended to read in part:

Los Angeles, Calif., VOR; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Hector, Calif., VORTAC; 18,000; 45,000.
Hayes Center, Nebr., VORTAC; Omaha, Nebr., VORTAC; 18,000; 45,000.
Omaha, Nebr., VORTAC; Des Moines, Iowa, VORTAC; 18,000; 45,000.

Section 95.7064 *Jet Route No. 64* is amended to read in part:

Los Angeles, Calif., VOR; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Hector, Calif., VORTAC; 18,000; 45,000.

Section 95.7074 *Jet Route No. 74* is amended to read in part:

From, to, MEA, and MAA

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet Route No. 77* is amended to read in part:

Miami, Fla., VORTAC; Palm Beach, Fla., VORTAC; 18,000; 45,000.
Palm Beach, Fla., VORTAC; Vero Beach, Fla., VORTAC; 18,000; 45,000.
Vero Beach, Fla., VORTAC; Daytona Beach, Fla., VORTAC; 18,000; 45,000.
Daytona Beach, Fla., VORTAC; Jacksonville, Fla., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.

Section 95.7084 *Jet Route No. 84* is amended to read in part:

Stockton, Calif., VORTAC; Coaldale, Nev., VORTAC; 18,000; 45,000.
Coaldale, Nev., VORTAC; Wilson Creek, Nev., VORTAC; 18,000; 45,000.
Wilson Creek, Nev., VORTAC; Meeker, Colo., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Meeker, Colo., VORTAC; Sidney, Nebr., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Sidney, Nebr., VORTAC; Wolbach, Nebr., VORTAC; 18,000; 45,000.

Section 95.7094 *Jet Route No. 94* is amended to read in part:

Oakland, Calif., VORTAC; Stockton, Calif., VORTAC; 18,000; 45,000.
Stockton, Calif., VORTAC; Reno, Nev., VORTAC; 18,000; 45,000.

Section 95.7134 *Jet Route No. 134* is amended to read in part:

Los Angeles, Calif., VOR; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.

Section 95.7140 *Jet Route No. 140* is deleted:

Junction, Tex., VORTAC; Austin, Tex., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:
Airway segment: From, to—Changeover point: Distance; from

Section 95.8003 *VOR Federal airway changeover points:*

V-96 is amended to delete:
Indianapolis, Ind., VOR; Kokomo, Ind., VOR; 25; Indianapolis.

V-285 is amended to delete:
Indianapolis, Ind., VOR; Kokomo, Ind., VOR; 25; Indianapolis.

J-7 is amended to delete:
Red Bluff, Calif., VORTAC; Rome, Oreg., VOR; 104; Red Bluff.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on July 6, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-7525; Filed, July 12, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1077]

PART 13—PROHIBITED TRADE PRACTICES

Furs by Vanity, Inc., et al.

Subpart—Invoicing products falsely:
§ 13.1108 *Invoicing products falsely:*
13.1108-45 *Fur Products Labeling Act.*
Subpart—Misbranding or mislabeling:
§ 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Furs by Vanity, Inc., et al., Philadelphia, Pa., Docket C-1077, June 24, 1966]

In the Matter of Furs by Vanity, Inc., a Corporation, and Sol Shane and Elizabeth Diaco, Individually and as Officers of Said Corporation

Consent order requiring a Philadelphia, Pa., retail furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Furs By Vanity, Inc., a corporation, and its officers, and respondents Sol Shane and Elizabeth Diaco, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or transportation and distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:
1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the terms "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each

of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to each such fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 24, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-7582; Filed, July 12, 1966;
8:45 a.m.]

[Docket C-1076]

PART 13—PROHIBITED TRADE PRACTICES

William D. Yarnell and National Aluminum Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin*; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions*. Subpart—Using misleading name—Goods: § 13.2285 *Connections and arrangements with others*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, National Aluminum Co., Docket C-1076, June 24, 1966]

In the Matter of William D. Yarnell, an Individual Trading and Doing Business as National Aluminum Co.

Consent order requiring a Columbia, S.C., dealer in aluminum siding and related home improvement products to cease using fictitious pricing and savings claims, misrepresenting payment of commissions, source of products, business

affiliation, and maintenance of such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent William D. Yarnell, an individual, trading and doing business as National Aluminum Co., or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, distribution or installation of aluminum siding or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Representing, directly or by implication, that any price for respondent's products is a special or reduced price unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondent in the recent regular course of his business.

(b) Representing, directly or by implication, that purchasers will receive commissions or other compensation, unless respondent provides an opportunity or program whereby purchasers can qualify for such commissions or other compensation, and provides such commissions or other compensation, in every instance, to those qualifying therefor; misrepresenting, directly or by implication, that a home will be used for display or advertising purposes; or misrepresenting in any manner commissions or any other compensation to be received by respondent's purchasers.

(c) Representing, directly or by implication, that aluminum siding sold by respondent is manufactured by Reynolds Aluminum Co.; or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondent's products.

(d) Representing, directly or by implication, that respondent is connected or affiliated with Reynolds Aluminum Co.; or misrepresenting, in any manner, respondent's business connections or affiliations.

(e) Representing, directly or by implication, that aluminum siding sold by respondent will never need painting; or misrepresenting, in any manner, the painting or other maintenance required for respondent's products.

2. Misrepresenting, in any manner, the savings available to purchasers of respondent's products.

3. Supplying or placing in the hand of any distributor, dealer or salesman, brochures, sales manuals, charts, pamphlets or any other advertising material which are displayed or may be displayed, to the purchasing public which contain any of the false or misleading representations prohibited in Paragraphs 1 and 2 herein.

It is further ordered, That respondent deliver a copy of this order to every salesman or representative, now or at any time hereafter, engaged in selling or

soliciting the sale of respondent's products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 24, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-7584; Filed, July 12, 1966;
8:45 a.m.]

[Docket C-1075]

PART 13—PROHIBITED TRADE PRACTICES

Lone Star Cement Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*: 13.5-20 *Federal Trade Commission Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Lone Star Cement Corp., New York, N.Y., Docket C-1075, June 17, 1966]

Consent order requiring a major portland cement manufacturing company with headquarters in New York City to refrain from renewing its 4-year lease by which it acquired nine ready-mix concrete sites, plants, and related equipment in the Dallas-Fort Worth area and to cease using the acquired company's trade name in its operations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent, Lone Star Cement Corp. (hereinafter "Lone Star"), refrain from renewing any and all leases by which Lone Star acquired, on or about January 4, 1965, from Wamix, Inc., nine ready-mixed concrete sites, plants, and related equipment, including ready-mixed concrete mixer trucks, in the Dallas-Fort Worth area, said sites, plants, and related equipment described generally as follows:

Wamix No. 1—2221 Irving Boulevard, Dallas, Tex.

Wamix No. 2—On Worcola Street in north-central Dallas.

Wamix No. 3—On Floyd Road in north Dallas.

Wamix No. 6—In Carrollton, Dallas County, Tex.

Wamix No. 8—On Banning Street in Oak Cliff.

Wamix No. 9—On Parkdale Street in south-east Dallas.

Wamix No. 21—On West Freeway in Fort Worth.

Wamix No. 22—Near Euless, Tarrant County, Tex.

Wamix No. 23—In 5200 block of Hemphill Street in Fort Worth.

It is further ordered that on or before the expiration of such leases on January 4, 1969, Lone Star cease operation of said assets and cease using the name or word "Wamix" in any of its operations.

II. *It is further ordered.* That, within sixty (60) days after it has fully complied with the provisions of this order, Lone Star submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it has complied with this order.

Issued: June 17, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-7583; Filed, July 12, 1966;
8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

LABELING REQUIREMENTS FOR FOOD TREATED BY RADIATION; LOW-DOSE ELECTRON BEAM RADIATION

A notice was published in the *FEDERAL REGISTER* of February 26, 1966 (31 F.R. 3196), proposing a food additive regulation to provide for the safe use of low-dose electron beam radiation for the treatment of food. Another notice was published in the *FEDERAL REGISTER* of March 4, 1966 (31 F.R. 3402), proposing certain amendments to the food additive regulations with respect to labeling of food treated by radiation. Both notices provided 30 days for filing comments thereon, and this time was extended to April 30, 1966, by a notice published in the *FEDERAL REGISTER* of April 6, 1966 (31 F.R. 5453).

A. Nine comments were received in response to these proposals. General opposition was expressed by six to the use of the term "ionizing radiation" on the grounds that the consumer might be confused and relate the term to his fear of nuclear radiation. "Ionizing energy" was suggested as a substitute. It was also suggested that the terms "sterilized by" and "pasteurized by" be used instead of "processed by" and "treated by." Several comments questioned the need, especially upon the retail packages, of the restriction "Do not treat again."

B. The Atomic Energy Commission furnished a preliminary report of a survey, as yet incomplete, on consumer understanding of the labeling of irradiated food. The early findings therein furnish the only information in this field provided to the Commissioner of Food and Drugs, other than unsupported opinions. The survey indicates that without the benefit of an education program, consumers in general do not understand the term "ionizing energy." For example,

one label reviewed by the consumer said "Processed by ionizing radiation. Do not process again," and the report indicates that the consumer was not disturbed by the term "ionizing radiation" but was confused by the statement "Do not process again," relating the word "process" to ordinary food handling in the home. Another label considered in the survey used the term "pasteurized by," and analysis of the results indicated that this term was more acceptable than "processed by" because "pasteurized" is a familiar word with positive connotations.

C. It is concluded that the report of the survey establishes that the consumer is less likely to be confused by the term "ionizing radiation" on the label than by the term "ionizing energy." The term "energy" could be confused with its more ordinary meaning as applied to foods; namely, a capacity of the food to provide energy nutritionally. It is also concluded that although the terms "pasteurize" and "sterilize" are shown to be familiar to the consumer, their adaptation to the contemplated uses of ionizing radiation would mark an undesirable departure from accepted usage of these terms. It is further concluded that available data and the consumer survey show that the statement "Do not treat again" need not appear on the consumer package; however, some or all of these foods might receive additional treatments unless the wholesale and bulk lots are so labeled. Data supplied to the Commissioner on the effects of ionizing radiation related to the application of single doses show that doses exceeding those permitted might impair the baking qualities of wheat and cause undesirable physical changes in potatoes. No data have been set forth to show that an excessive radiation dose accumulated over several exposures would not have the same deleterious effects as those reported from single doses of the same magnitude.

Therefore, based on the comments received and other pertinent information, the Commissioner concludes that the proposed amendments should be adopted without the requirement that consumer packages bear the statement "Do not treat again" and with a modification of the heading to § 121.3003. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348(c) (1), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Subpart G of Part 121 is amended in the following respects:

1. Section 121.3002 is amended by changing the section heading and the introduction to the section and by adding a new paragraph (d), as follows:

§ 121.3002 High-dose gamma radiation for the processing of food.

Gamma radiation may be safely used for the processing of food under the following conditions:

• • • • •

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

2. Section 121.3003 is amended by changing the section heading and paragraph (b) and by adding a new paragraph (c), as follows:

§ 121.3003 Low-dose gamma radiation for the treatment of food.

(b) The gamma radiation is used or intended for use in a single treatment as follows:

Food for irradiation	Limitations	Use
Wheat	Absorbed dose: 20,000 to 50,000 rads.	Control of insect infestation.
Wheat flour from unirradiated wheat.	do.	Do.
White potatoes	Absorbed dose: 5,000 to 15,000 rads.	Inhibit sprout development.

(c) To assure safe use, the label and labeling of the food shall bear, in addition to the other information required by the act, the following statements:

- (1) "Treated with ionizing radiation" on retail packages.
- (2) "Treated with ionizing radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

3. Section 121.3004 is amended by changing the section heading and by adding a new paragraph (e), as follows:

§ 121.3004 High-dose electron beam radiation for the processing of food.

(e) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

4. Section 121.3005 is amended by changing the section heading and by adding a new paragraph (d) as follows:

§ 121.3005 High-dose X-radiation for the processing of food.

(d) To assure safe use, the labeling of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

5. By adding a new section, as follows:

§ 121.3007 Low-dose electron beam radiation for the treatment of food.

Electron beam radiation for the treatment of food may be safely used under the following conditions:

(a) The radiation source consists of an electron accelerator producing a beam of electrons at energy levels not to exceed 5 million electron volts.

(b) The electron beam radiation is used or intended for use in a single treatment as follows:

Food for radiation	Limitation	Use
Wheat	Absorbed dose: 20,000 to 50,000 rads. Maximum thickness of food under irradiation: 0.6 cm. per Mev. of electron energy under single beam irradiation or 1.4 cm. per Mev. of electron energy with crossfiring beams. Maximum flow: 10 tons per hour per kilowatt under single beam irradiation, or 14 tons per hour per kilowatt with crossfiring beams.	Control of insect infestation.
Wheat flour from unirradiated wheat.	do.	Do.

(c) In the case of electron beam radiation used for treatment of food, a permanent record of the radiation intensity and power used in the processing shall be made with recorders coupled to the electron accelerator, and the records shall be retained for Food and Drug Administration inspection for a period of 1 year. Such records shall provide information identifying completely the food that has been subjected to the radiation recorded thereon.

(d) To assure safe use, the label and labeling of the food shall bear, in addition to the other information required by the act, the following statements:

(1) "Treated with ionizing radiation" on retail packages.

(2) "Treated with ionizing radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409 (c) (1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c) (1), (d))

Dated: July 6, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-7608; Filed, July 12, 1966; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Lysergic Acid and Lysergic Acid Amide as Drugs Subject to Control

In the matter of listing lysergic acid and lysergic acid amide as depressant or stimulant drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of May 18, 1966 (31 F.R. 7245), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 166.3(c) is amended by alphabetically inserting in the list of drugs in subparagraph (1) two new items, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

Established name	Some trade and other names
Lysergic acid amide-----	
Lysergic acid-----	

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in six copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: July 6, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-7609; Filed, July 12, 1966; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Department of Housing and Urban Development

PART 1600—MORTGAGE AND LOAN PURCHASES, SERVICING, AND SALES, AND SHORT-TERM LOANS ON THE SECURITY OF MORTGAGES AND LOANS

Miscellaneous Amendments

1. Section 1600.31 is amended to read as follows:

§ 1600.31 General.

The Federal National Mortgage Association Charter Act authorizes FNMA to manage and liquidate its portfolio of mortgages acquired pursuant to contracts entered into prior to November 1, 1954, and certain other mortgages, loans, and other obligations acquired and to be acquired subsequently, in an orderly manner, with a minimum of adverse effect upon the home mortgage market and minimum loss to the Federal Government. Also, as set forth in § 1600.41, FNMA has fiduciary powers with respect to mortgages and other obligations held by it and by certain named Government agencies, to provide a means for substituting the funds of private investors for Government financing.

2. Section 1600.32 is amended to read as follows:

§ 1600.32 Purchase of Government-owned obligations.

FNMA is expressly authorized, under the Management and Liquidating functions, to purchase mortgages and FHDA loans covering residential property offered by any Federal instrumentality, and also any obligations offered by the Department of Housing and Urban Development.

3. Section 1600.41 is amended to read as follows:

§ 1600.41 General.

FNMA is authorized by its corporate charter to create, accept, execute, and administer trusts and other fiduciary undertakings appropriate for financing purposes; and in relation thereto is authorized to acquire and otherwise deal in any mortgages or other types of obligations in which any department or agency of the United States listed in 12 U.S.C. 1717(c) (2) may have a financial interest. Under its fiduciary powers, exercised under the Management and Liquidating

Functions, the corporation creates, accepts, and administers trusts consisting of interests in mortgages and obligations, sells to private investors certificates of beneficial interest, or participations, in the mortgages or obligations or in the interest and principal payments derived therefrom, and provides for payment of interest and principal and for retirement of the participations. FNMA, under the Management and Liquidating Functions, in its ordinary corporate capacity as contrasted to its fiduciary capacity, is expressly authorized by its charter to guarantee the participations.

4. Section 1600.42 is amended to read as follows:

§ 1600.42 Appropriations.

There is authority for Congress to appropriate such sums as may be necessary to enable the trustor of any trust (as described in § 1600.41) to pay to FNMA, as trustee, any insufficiency in aggregate receipts from the obligations subject to the trust to provide for the timely payment by the trustee of all interest or principal on the beneficial interests or participations related to such trust.

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., July 8, 1966.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
J. S. BAUGHMAN,
President.

[F.R. Doc. 66-7600; Filed, July 12, 1966; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

The Secretary of the Treasury finds that it is necessary, because of changes in coinage alloys effected by Public Law 89-81, approved July 23, 1965, to revise the regulations concerning the exchange of paper currency and coin. This revision also takes account of certain changes which have been made in the regulations, orders and instructions applicable to gold coin and gold certificates. Since such changes undertake only to clarify the present regulations and conform them to current conditions, he also finds, in accordance with 5 U.S.C. 1003 (a), that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Accordingly Part 100, Chapter I, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 55, Revised, dated July 1, 1959, as amended), is hereby revised to read as follows:

Sec. 100.2 Scope of regulations; transactions effected through Federal Reserve banks and branches; distribution of coins and currencies.

Subpart A—In General

100.3 Lawfully held coins and currencies in general.

100.4 Gold coin and gold certificates in general.

Subpart B—Exchange of Mutilated Paper Currency

100.5 Mutilated paper.

100.6 Evidence required in connection with mutilated paper.

100.7 Affidavits.

100.9 Totally destroyed paper; discretion of Treasurer of the United States.

Subpart C—Exchange of Mutilated Coin

100.10 Mutilated coin; in general.

100.12 Where mutilated coins should be transmitted.

100.13 Criminal penalties.

100.14 Standard silver dollars, subsidiary silver coins, and coins minted under authority of Public Law 89-81.

100.15 Minor coins.

Subpart D—Other Information

100.16 Shipments of coins.

100.17 Exchange of paper and coin to be handled through Federal Reserve banks and branches.

100.18 Location of Federal Reserve banks and branches.

100.19 Counterfeit notes to be marked; "redemption" of notes wrongfully so marked.

100.20 Disposition of counterfeit notes and coins.

AUTHORITY: The provisions of this Part 100 issued under sec. 1, 49 Stat. 938; 31 U.S.C. 773a.

CROSS REFERENCE: For regulations of the Federal Reserve system, see 12 CFR Chapter II.

§ 100.2 Scope of regulations; transactions effected through Federal Reserve banks and branches; distribution of coin and currencies.

The regulations in this part govern the exchange of the coin and paper currency of the United States (including national bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes). Under authorization in the act approved May 29, 1920, 41 Stat. 655 (31 U.S.C. 476), the Secretary of the Treasury transferred to the Federal Reserve banks and branches the duties and functions performed by the former Assistant Treasurers of the United States in connection with the exchange of paper currency and coin of the United States. Except for the duties in this respect to be performed by the Treasurer of the United States and the Director of the Mint as may be indicated from time to time by the Secretary of the Treasury exchanges of the paper currency and coin of the United States and the distribution and replacement thereof will, so far as practicable, be effected through the Federal Reserve banks and branches. Federal Reserve banks and branches have been instructed by the Treasury to make an equitable and impartial distribution of available supplies of currency and coin in all cases, and applications therefor should be made to

the Federal Reserve bank or branch of such bank located in the same district with the applicant. Distribution of new coins will not be made so long as there are available sufficient stocks of circulated coins in the Federal Reserve banks and branches or in the Treasury offices.

Subpart A—In General

§ 100.3 Lawfully held coins and currencies in general.

The official agencies of the Treasury Department will continue to exchange lawfully held coins and currencies of the United States, dollar for dollar, for other coins or currencies which may be lawfully acquired and are legal tender for public and private debts. Paper currency of the United States (including national bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes) which has been falsely altered and coins altered to render them available for use as other denominations will not be redeemed since such currency and coins are subject to forfeiture under title 18, U.S. Code, section 492. Persons receiving such currency and coins should notify immediately the nearest local office of the U.S. Secret Service of the Treasury Department and hold the same pending advice from that Service.

§ 100.4 Gold coin and gold certificates in general.

The exchange of gold coin pursuant to the regulations in this part shall be subject to such limitations or requirements as may be applicable under the acts, orders, regulations, and instructions relating to gold. Gold certificates of the type issued before January 30, 1934, are exchangeable, as provided in this part, into other currency or coin which may be lawfully issued.

Subpart B—Exchange of Mutilated Paper Currency

§ 100.5 Mutilated paper.

Lawfully held paper currency of the United States (including national bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes), when not so mutilated that less than three-fifths of the original proportions remain, will be exchanged at its face amount. Such lawfully held paper currency, when so mutilated that less than three-fifths but clearly more than two-fifths of the original proportions remain, is exchangeable only by the Treasurer of the United States, at one-half the face amount of the whole note or certificate: *Provided, however,* That it may be exchanged at face amount upon compliance with the provisions of section 100.6. Fragments not clearly more than two-fifths are not exchangeable, unless accompanied by the evidence required in section 100.6.

§ 100.6 Evidence required in connection with mutilated paper.

Fragments less than three-fifths, when identifiable as to denomination, kind and genuineness are exchangeable at the face amount of the whole note, only by the

Treasurer of the United States, when accompanied by satisfactory proof that the missing portions have been totally destroyed. This proof should be in the form of an affidavit from the owner setting forth that he is the owner and the cause and manner of destruction. If, however, the owner cannot of his own knowledge state the facts as to destruction, an affidavit or affidavits from any other person or persons having knowledge of the facts will also be required.

§ 100.7 Affidavits.

The affidavits must be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. Unless authenticated by the official impression seal of the officer, the affidavit should be accompanied by a certificate from the proper official, showing that the officer was in commission on the date of the acknowledgement. The date when the officer's commission expires should appear in any event. Should any affiant sign by mark (x), his signature must be witnessed by two persons besides the acknowledging officer, and the places of residence of the witnesses to the mark must be stated. Blank forms for affidavits will be furnished upon request by the Currency Redemption Division, Office of the Treasurer of the United States, Washington, D.C. 20220.

§ 100.9 Totally destroyed paper; discretion of Treasurer of the United States.

No relief is granted on account of currency totally destroyed. The Treasurer of the United States will exercise such discretion under this subpart as may seem to him needful to protect the United States from fraud.

Subpart C—Exchange of Mutilated Coin

§ 100.10 Mutilated coin; in general.

(a) Mutilated coins of 90 percent silver are not accepted at their face amount but at their bullion or metal value. Mutilated coins which were minted under the authority of Public Law 89-81 are accepted at the value at which coins of 90 percent silver of the equivalent denomination would be accepted in similar condition, in accordance with such comparative measurement by the mint accepting the coins as is feasible. Mutilated coins which are so defaced or fused together as not to be readily and clearly identifiable as to genuineness and denomination will be accepted at their bullion or metal value. Mutilated minor coins are accepted at their bullion or metal value.

(b) Coins are mutilated when punched, clipped, plugged, fused together, or when so defaced as to be not readily and clearly identifiable as to genuineness and denomination. Coins containing lead, solder, or other substances which will render them unsuitable for coinage metal will not be accepted by the mints. Coins that are bent or twisted out of shape, but are readily and clearly identifiable as to genuineness, and coins that have been reduced in

weight by natural abrasion only, are not regarded as mutilated, and will be received at face amount.

§ 100.12 Where mutilated coins should be transmitted.

Mutilated coins shall not be transmitted to the Federal Reserve bank or branches or to the Treasurer of the United States but should be forwarded to such coinage mints as hereinafter provided, for sale.

§ 100.13 Criminal penalties.

Criminal penalties connected with the defacement or mutilation of U.S. coins are provided in United States Code, title 18, section 331.

§ 100.14 Standard silver dollars, subsidiary silver coins, and coins minted under authority of Public Law 89-81.

(a) Mutilated silver coins will be purchased at the mints in Philadelphia, Pa., and Denver, Colo., at the price fixed from time to time by the Director of the Mint, which is approximately the market price of silver bullion on the date purchased, and should be transmitted to the mints at the expense and risk of the owner (charges prepaid). Mutilated silver coins shall not be commingled with other types of coins in the shipment.

(b) Mutilated clad coins minted under the authority of Public Law 89-81 will be paid for in accordance with the provisions of § 100.10.

§ 100.15 Minor coins.

Mutilated minor coins (1-cent bronze and 5-cent nickel) will be purchased at the mints in Philadelphia, and Denver, in lots of not less than 5 pounds of each kind, at a price (the approximate value as metal) fixed from time to time by the Director of the Mint, and should be transmitted to the mints at the expense and risk of the owner (charges prepaid). One-cent and five-cent coins in the same shipment shall be segregated by denomination.

Subpart D—Other Information

§ 100.16 Shipments of coins.

Coins unfit for further circulation, forwarded for redemption at face value, must be shipped at the expense and risk of the owner. Shipments of subsidiary or minor coins for redemption at face value should be sorted by denomination into packages in sums or multiples of \$20. Not more than \$1,000 in any silver or clad coin, \$200 in 5-cent pieces, or \$50 in 1-cent pieces, should be shipped in one bag or package.

§ 100.17 Exchange of paper and coin to be handled through Federal Reserve banks and branches.

By taking advantage of the facilities provided at the Federal Reserve banks and branches for the exchange of paper currency and coin, applicants are enabled to have such transactions effected within a shorter time and at a lower cost for transportation charges, as a general rule, than would be possible through the Treasurer of the United States at Washington. So far as practicable, therefore,

such transactions should be handled through the Federal Reserve banks and branches.

§ 100.18 Location of Federal Reserve banks and branches.

The Federal Reserve banks and branches are located in Boston, Mass.; New York, N.Y.; Buffalo, N.Y.; Philadelphia, Pa.; Cleveland, Ohio; Cincinnati, Ohio; Pittsburgh, Pa.; Richmond, Va.; Baltimore, Md.; Charlotte, N.C.; Atlanta, Ga.; New Orleans, La.; Jacksonville, Fla.; Birmingham, Ala.; Nashville, Tenn.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Louisville, Ky.; Memphis, Tenn.; Little Rock, Ark.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Omaha, Nebr.; Denver, Colo.; Oklahoma City, Okla.; Dallas, Tex.; El Paso, Tex.; Houston, Tex.; San Antonio, Tex.; San Francisco, Calif.; Los Angeles, Calif.; Portland, Oreg.; Salt Lake City, Utah; and Seattle, Wash.

§ 100.19 Counterfeit notes to be marked; "redemption" of notes wrongfully so marked.

The act of June 30, 1876 (19 Stat. 64; 31 U.S.C. 424), provides that all U.S. officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, "redeem" such notes at the face amount thereof.

§ 100.20 Disposition of counterfeit notes and coins.

All counterfeit notes and coins found in remittances are canceled and delivered to the U.S. Secret Service of the Treasury Department or to the nearest local office of that Service, a receipt for the same being forwarded to the sender. Communications with respect thereto should be addressed to the Director, U.S. Secret Service, Treasury Department, Washington, D.C. 20226.

Dated: July 8, 1966.

[SEAL] ROBERT A. WALLACE,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-7592; Filed, July 12, 1966;
8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research
Service, Department of Agriculture
[P.P.C. 618, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Correction

In F.R. Doc. 66-6751, appearing at page 8586 of the issue for Tuesday, June

21, 1966, the two entries for Lauderdale County which appear in § 301.72-2a under Alabama, (b) *Suppressive area*, are deleted and the following substituted therefor:

Lauderdale County. All of the area lying within the corporate limits of the city of Florence and secs. 29, 30, 31, and 32, T. 1 S., R. 14 W.; secs. 25, 26, 35, and 36, T. 1 S., R. 15 W.; secs. 1, 2, 11, and 12, T. 2 S., R. 15 W. and secs. 5 and 6 T. 2 S., R. 14 W.

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 84]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

SOYBEANS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respect:

Section 2 of the soybean endorsement shown in § 401.29 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 401.29 The soybean endorsement.

2. *Insured crop.* Unless otherwise provided on the county actuarial table, insurance shall attach only on acreage initially planted for harvest as beans in rows far enough apart to permit cultivation, as determined by the Corporation, but, if such insured acreage is destroyed and is replanted, whether in the same manner or by broadcasting, drilling or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use. Notwithstanding the foregoing, insurance shall not attach on acreage on which it is determined by the Corporation that soybeans are planted for the development of hybrid seed, or planted in the same row or interplanted in rows with corn. The first proviso of the third sentence of section 1 of the policy shall not be applicable hereunder in counties in Arkansas, Louisiana, and Mississippi.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL]

EARL H. NIKKEL,
Secretary, Federal Crop
Insurance Corporation.

Approved on July 8, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7622; Filed, July 12, 1966; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

[Sugar Reg. 817, Amdt. 61]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Limitations on the Importation of Sugar-Containing Products or Mixtures

Basis and purpose and bases and considerations. This amendment is issued pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948 as amended (61 Stat. 922, as amended), and as further amended by Public Law 89-331, approved November 8, 1965 (79 Stat. 1271), and provides for a determination limiting the importation of certain sugar-containing products or mixtures as hereinafter described.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237), a notice of proposed rule making was filed for public inspection in the Office of the Federal Register on June 15, 1966, and published in the FEDERAL REGISTER, on Saturday, June 18, 1966 (31 F.R. 8541). The notice provided for written data, views or arguments for consideration in connection with the proposed regulation to be submitted by interested persons not later than June 30, 1966. All written submissions received pursuant to such notice have been thoroughly considered.

The purpose of this amendment is to provide for a determination pursuant to section 206 of the Sugar Act of 1948, as amended (61 Stat. 927 as amended by Public Law 89-331, 79 Stat. 1277), hereinafter referred to as the Act, which will limit the importation of certain mixtures of sugar with principally butterfat or flour, or both of these ingredients.

Section 206 of the Act provides in substance as follows. If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture will substantially interfere with the attainment of the objective of the Act, he may limit the quantity of such product or mixture to be brought or imported from any country or area to an annual quantity not less than the average imports of such product or mixture from any such country during the most recent consecutive years for which reliable data are available. In the event there are no reliable data available of the importation or bringing in of any sugar-containing product or mixture for three consecutive years, the Secretary may limit the quantity of such product or mixture to be imported or brought in annually from any country or area to not less than a quantity containing 100 short tons, raw value, of sugar or liquid

sugar. In determining whether the actual or prospective importation of a sugar-containing product or mixture will or will not substantially interfere with attainment of the objectives of the Act, the Secretary shall take into consideration the criteria specified in section 206 of the Act, and such determination shall be made in conformance with the rule-making requirements of section 4 of the Administrative Procedure Act.

The sugar and butterfat mixture covered by this amendment is a product of recent origin, is not a traditional product in international trade, is imported principally into the United States and then only sporadically, and is a product not manufactured in this country. The sugar utilized in this product, since it is for export generally is world market sugar, i.e., sugar without a protected or preferential market which most developed countries have for the protection of domestic sugar producers. The price of world market sugar is quite volatile and at times below the cost of production. The world market sugar price during both 1965 and 1966 has been at unusually low levels.

The price of world market sugar in relation to the price of sugar imported from foreign countries within the quota system embodied in the Sugar Act, has a marked influence on the imports of these mixtures. Imports of the mixtures amounted to 2.5 million pounds in 1961 and to 4 million pounds in 1962. During this period, the price for raw sugar in the United States averaged about 2.5 cents per pound more than the world market price. However, the world market price for sugar rose rapidly in early 1963 and by April was about three-tenths of a cent per pound above the United States price, on a comparable basis. Although imports of these sugar-butterfat mixtures (or products) in 1963 amounted to about 3.3 million pounds, the entire quantity was imported in the first half of the year. In 1964, none of these mixtures was imported into the United States. It is significant that during the period February 1963-June 1964 the average of world sugar prices exceeded average prices of United States quota sugar by about 1.5 cents per pound. However, in 1965 world sugar prices were at extremely low levels—averaging about 3.5 cents per pound below the U.S. market prices. Under these circumstances, imports of sugar-butterfat mixtures were again resumed and reached a total of 3.5 million pounds. With world market prices continuing at low levels, imports of these mixtures during January-May of this year increased to more than 35 million pounds. Each month during that time, imports were larger than the year's total imports prior to that month. In May 1966, the imports of these mixtures were more than the total for the 6 years prior to 1966. Indications are that in the absence of limitations on the importation of mixtures (or products) in this category, total imports in 1966 would continue to increase.

Since foreign country sugar quotas are based on a percentage of U.S. sugar requirements, it is evident that any displacement of quota sugar by the quota free importation of low priced world sugar in these sugar-containing products or mixtures affects the level of sugar requirements and accordingly reduces the quotas for foreign countries. These mixtures are being imported for commercial use generally by ice cream manufacturers and bakeries and do replace quota sugar. They are being imported under various trade names, e.g., "Junex," "Grapex," "Lorex," and "Ernex." These mixtures are reported to have a sugar content ranging from 46 percent to 56 percent and a butterfat content of about 44 percent. Although there are no reliable data available indicating that any products or mixtures containing sugar and flour within the above description are currently being imported, inquiries received by the Department regarding the prospective importation of products in this category warrant the limitations herein provided because importation of such mixtures would have the same adverse effect as would the importation of sugar and butterfat mixtures. The increased present and prospective importations of the mixtures are of such magnitude as to constitute direct and serious competition with quota sugar. Based upon the trend of imports so far this year the sugar equivalent in these mixtures could amount to more than 25,000 short tons in the calendar year 1966 if the importation of such mixtures were not limited, which would be greater than the sugar quotas of individual foreign countries for almost one-third of all countries holding quotas in the U.S. sugar market. Accordingly, it is essential that the imports be limited promptly. Available data show that the average imports of mixtures of sugar and butterfat for the years 1963, 1964, and 1965 from Australia were about and not in excess of 1,850,000 pounds and from Denmark were about and not in excess of 350,000 pounds. Available data show that no other country had average annual imports of the mixtures having a sugar content of as much as 100 tons of sugar, raw value. Thus, this amendment would not restrict imports of these mixtures from any country below the average of their historical imports.

The determination to place limitations on the imports of these mixtures is based upon the total sugar content of the mixtures in relation to other ingredients and the cost of sugar in relation to the cost of sugar in the United States, the present and prospective volume of importations in relation to past importations, the fact that such mixtures or products are not being marketed to the ultimate consumer in the identical form in which imported, and that such mixtures or products are subject to further processing or mixing with similar or other ingredients. In addition, recognition has also been given to the fact that Australia voluntarily agreed to limit its shipments of mixtures of sugar and butterfat to the United States to 2,240,000 pounds in each of the years 1964 and 1965.

It is determined that an annual limitation for 1966 of 2,240,000 pounds of a mixture of sugar and butterfat or flour, or both, imported from Australia will not substantially interfere with the attainment of the objectives of the Act. Reliable data available on importations for the most recent 3 consecutive years of mixtures of sugar and butterfat or flour, or both of these ingredients, from countries other than Australia and Denmark show that no such country had average annual imports of such mixtures having a sugar content of as much as 100 short tons of sugar, raw value. Nevertheless, it is determined that annual importations from each country other than Australia and Denmark of a quantity of mixtures of sugar and butterfat or flour, or both of these ingredients, containing one hundred short tons, raw value, of sugar or liquid sugar will not substantially interfere with the attainment of the objectives of the Act.

In determining the weight of sugar for purposes of the Sugar Act only the sugar solids, excluding moisture, are considered. For the purpose of this amendment, the sugar content of the mixtures or products in relation to total ingredients will also be determined on a dry weight basis.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932), paragraph (c) (1) of § 817.10 is added to Part 817, Chapter VIII, Title 7 to read as follows:

§ 817.10 Sugar-containing products and mixtures.

(c) (1) It is hereby determined that prospective importation into the continental United States, Hawaii and Puerto Rico of the following described sugar-containing products or mixtures will substantially interfere with the attainment of the objectives of the Act and shall be subject to the import limitations as provided in this paragraph (c) (1) of this section: Products or mixtures which (i) contain more than 25 percent sugar expressed as a percent of the total weight of solids (excluding moisture and volatile matter); (ii) contain solid ingredients other than sugar consisting principally of either butterfat or flour or both; and (iii) either are to be further subjected to processing or mixing with similar, or other ingredients, or are not suitable for marketing to the ultimate consumer in the identical form and package in which imported. The total quantity of all of such products or mixtures which may be imported during the calendar year 1966 from Australia shall not exceed 2,240,000 pounds; from Denmark 350,000 pounds; and from any other country, the quantity containing 100 short tons, raw value, of sugar or liquid sugar (187,000 pounds of sugar, refined basis); *Provided, however,* That the limitation for any country for the calendar year 1966 shall be increased to the combined total of (i) importations of such products or mixtures from such country for the period January 1, 1966, through the effective date of this amendment; and (ii) the quantity, if any, of such sugar products or mixtures which arrive within the port limit of a Customs port

or point of entry within 30 days after the effective date of this amendment if the importer furnishes evidence satisfactory to the Secretary either that such quantity departed the port of lading prior to the effective date of this amendment or that an irrevocable contract was entered into prior to June 15, 1966, which for fulfillment necessitates the importation of such products or mixtures from such country to the continental United States, Hawaii or Puerto Rico. The total quantity of all of such products or mixtures which may be imported from any country during any calendar year after 1966, shall be the larger of (i) the quantity containing 100 short tons, raw value, of sugar or liquid sugar (187,000 pounds of sugar refined basis) or (ii) the average of the quantities of such products or mixtures annually imported from such country during the most recent three consecutive calendar years for which reliable data of the importation of such products or mixtures are available: *Provided,* That such annual limitation for Australia shall not be less than 2,240,000 pounds of such products or mixtures. None of the described products or mixtures shall be imported except pursuant to the procedural requirements contained in paragraph (b) (2) of this Section 817.10.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 206; 61 Stat. 927, as amended by P.L. 89-331, 79 Stat. 1277)

Effective date. The notice of proposed rule making informed all interested persons that the limitations upon importations of mixtures of sugar and butterfat or flour would become effective as soon as possible after publication in the FEDERAL REGISTER of the regulation establishing such limitations. It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER in that (1) the regulation avoids undue hardship arising from an immediate effective date, by providing for a 30-day period after the effective date for importation without limitation of quantities of mixtures of sugar and butterfat or flour if such quantities had departed the port of lading en route to the continental United States, Hawaii, or Puerto Rico prior to the effective date hereof, or if a contract had been entered into prior to June 15, 1966, for the importation of such mixtures into the continental United States, Hawaii, or Puerto Rico; and (2) it is reasonable to expect that, in view of the accelerated rate of importations of such mixtures each month during 1966, a delay of the effective date until 30 days after publication would lead to a surge of importations of such mixtures during such period and tend to defeat the purposes of the limitations imposed by the regulation. Accordingly, this amendment of regulations will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 11th day of July 1966.

JOHN A. SCHNITTAKER,
Acting Secretary.

[F.R. Doc. 66-7854; Filed, July 12, 1966; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 168, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 908.468 (Valencia Orange Regulation 168, 31 F.R. 9112) are hereby amended to read as follows:

- (i) District 1: 275,000 cartons;
 - (ii) District 2: 275,000 cartons.
- (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 8, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 66-7587; Filed, July 12, 1966; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture
SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

PRICE SUPPORT PROGRAM FOR MILK AND BUTTERFAT

The program heretofore announced to support prices to producers for milk and

butterfat for the marketing year April 1966-March 1967 (31 F.R. 5664) is hereby amended as follows:

Section 1430.280(b) (1) is amended by substituting the following schedule for the schedule of prices set forth therein:

§ 1430.280 Price support program for milk and butterfat.

Commodity and location	Price per pound		
	Produced before Apr. 1, 1966	Produced Apr. 1-June 29, 1966	Produced on and after June 30, 1966
Butter, U.S. Grade A or higher: New York, N.Y., Jersey City and Newark, N.J., Seattle, Wash., and San Francisco, Calif., Alaska, Hawaii, California.	\$0.5975	\$0.6175	\$0.6725
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina.	.5900	.6100	.6650
U.S. Grade B Cheddar cheese (standard moisture basis).	.5875	.6075	.6625
Nonfat dry milk, spray process bags with sealed closures.	.3610	.3930	.4375
	.1400	.1660	.1960

* \$0.02 less than U.S. Grade A prices for butter produced during the respective periods indicated in all 3 columns.

Section 1430.280(b) (3) is amended by substituting the following schedule for the schedule set forth therein:

Percent moisture	Produced before Apr. 1, 1966	Produced Apr. 1-June 29, 1966	Produced on and after June 30, 1966
37.8-39.0 ²	\$0.3610	\$0.3930	\$0.4375
37.3-37.7	.3699	.4027	.4483
36.8-37.2	.3728	.4059	.4518
36.3-36.7	.3758	.4091	.4554
35.8-36.2	.3788	.4123	.4590
35.3-35.7	.3817	.4155	.4626
34.8-35.2	.3847	.4188	.4662
34.3-34.7	.3876	.4220	.4698
33.8-34.2	.3906	.4252	.4734
33.3-33.7	.3935	.4384	.4769
32.8-33.2	.3965	.4316	.4805

* Standard moisture.

The foregoing prices reflect a support level to producers of approximately \$4 per hundredweight for manufacturing milk and about 68 cents per pound for butterfat for the period June 30, 1966, through March 31, 1967.

Signed at Washington, D.C., on July 8, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-7623; Filed, July 12, 1966; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Lake Tahoe, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 18, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.642 governing restricted areas in Lake Tahoe, Calif., is hereby amended with respect to paragraph (a), redesignating subparagraphs (2) as (3), (3) as (4) and adding a new subparagraph (2) establishing and governing the use and navigation of a restricted area at Camp Richardson, Calif., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.642 Lake Tahoe, Calif.; restricted areas along the south shore.

(a) The areas—

(2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17, E., Mt. Diablo Base and Meridian, thence north 410 feet along the east line of sec. 25; thence northwesterly 245 feet to the intersection of the high waterline which is the true point of beginning; thence north 300 feet; thence southeasterly 715 feet; and thence south 300 feet to the high waterline.

(3) *Pope Beach, * * ** [Redesignated]

(4) *El Dorado County Beach.* [Redesignated].

[Regs., June 27, 1966, 1507-32 (Lake Tahoe at Camp Richardson, Calif.)—ENGOW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-7515; Filed, July 12, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-6—FOREIGN PURCHASES

Procurements Contributing to Balance-of-Payments Deficit

A new subpart is added to Part 4-6, which is designated Subpart 4-6.50, and reads as follows:

Subpart 4-6.50—Balance-of-Payments Policies and Procedures

§ 4-6.5000 Scope.

This subpart sets forth policies and procedures to be followed by agencies of

the Department to minimize the adverse effects of procurement actions on the U.S. balance of payments. They are in addition to requirements in Subpart 1-6.1 of this chapter implementing the Buy American Act.

§ 4-6.5001 Authority.

Bureau of the Budget Circular A-58, Revised July 7, 1964, and section 302(c) (1) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (1)).

§ 4-6.5002 Definitions.

(a) As used in this section, domestic source end products are defined as (1) unmanufactured end products mined or produced in the United States, and (2) manufactured end products if the cost of the components thereof which are mined, produced or manufactured in the United States exceeds 50 percent of the cost of all the components. The United States includes Puerto Rico, American Samoa, the Canal Zone, and the Virgin Islands.

(b) Excess currency countries and near excess currency countries are those countries so designated by the Treasury Department, and announced from time to time by the Bureau of the Budget.

§ 4-6.5003 Minimizing purchase of articles not obtainable from U.S. sources.

Agencies will, to the maximum extent consistent with effective discharge of their program responsibilities, forego or postpone the purchase of articles which are not obtainable as domestic source end products except where foreign articles can be purchased with excess currencies at no greater cost than corresponding domestic source end products.

§ 4-6.5004 Purchase for government use outside the United States of articles obtainable from both foreign and domestic sources.

(a) Purchases shall be limited to domestic source end products except:

(1) Where the estimated delivered price from a U.S. source exceeds by more than 50 percent that from other sources; or

(2) Where time will not permit the delay incident thereto; or

(3) The estimated delivered price is less than \$500; or

(4) For purchases of perishables which are of such a nature that their quality at the point of consumption would be destroyed or significantly impaired if shipped from the United States; or

(5) For purchases required to be made from indigenous sources pursuant to treaty or executive agreement between Governments; or

(6) For purchases which are made with excess foreign currencies, where the cost does not exceed that of comparable domestic source end products.

(b) However, for purchases not exceeding \$10,000, domestic source end products may be purchased regardless of the difference in delivered cost between foreign and domestic products. This exception may be useful where

calculation of the difference in cost is difficult or otherwise not feasible.

(c) Exemptions from the requirements of this section may be granted by the Director of Plant and Operations upon a showing of necessity and that the exemption is in accord with the policy expressed in Budget Bureau Circular A-58.

§ 4-6.5005 Service contracts to be performed outside the United States.

Each agency awarding contracts for performance of services outside the United States shall issue such regulations governing the selection of contractors and subcontractors as will keep payments abroad, other than payments in excess currencies, at the minimum consistent with efficient program operations.

§ 4-6.5006 Materials and equipment acquired by contractors for use outside the United States in performing a specific contract.

To the extent practicable and consistent with efficient program operations, agencies of the Department shall require contractors whose contracts are wholly financed by the United States to acquire only domestic source end products or products purchased with excess currencies for use in performing work outside the United States.

§ 4-6.5007 Payments of obligations incurred in excess currency countries, and near excess currency countries.

Agencies of the Department shall ensure that contracts and other obligations incurred in excess currency countries and near excess currency countries are made payable in foreign currencies rather than U.S. dollars. Provision shall be inserted in such contracts requiring that U.S. dollars not be expended in the country concerned and that foreign currency requirements to carry out the contract be obtained solely from the U.S. disbursing officer. This includes contracts with American contractors, to the extent that the contractor may be expected to require such currencies for necessary expenses in the country involved.

Done at Washington, D.C., this 8th day of July 1966.

JOSEPH M. ROBERTSON,
Assistant Secretary
for Administration.

[F.R. Doc. 66-7588; Filed, July 12, 1966;
8:45 a.m.]

Chapter 5—General Services Administration

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5-2.4—Opening of Bids and Award of Contract

PART 5-6—FOREIGN PURCHASES

Subpart 5-6.1—Buy American Act—Supply and Service Contracts

Section 5-2.408 is added to implement and supplement § 1-2.408 of the Federal Procurement Regulations.

§ 5-2.408 Information to bidders.

(a) Contracting officers, promptly after making an award, shall furnish each unsuccessful bidder described in § 1-2.408(a) (1) and (2) written notice of rejection. (See § 1-2.404-3 regarding notices to bidders where all bids are rejected.)

(b) In determining the feasibility of providing notice to either unsuccessful bidders (see § 1-2.408(a) (3)) contracting officers shall consider the following factors:

(1) Size of the particular procurement;

(2) Number of items and the complexity of the invitation;

(3) Number of bids received;

(4) Necessity for bidders to make arrangements for securing necessary materials, financing, bonding, and other commitments;

(5) Whether procurement of the particular commodity would have any significant impact upon other bidders; and

(6) Availability of the information in Business Service Centers, the Department of Commerce Synopsis, and from any other sources which may be available to anyone having an interest in such information.

(c) Normally, written inquiries received from bidders or prospective bidders and all inquiries from other sources, whether oral or written, requesting information as to the status of any bid, proposal, or solicitation, including those not yet publicly opened and those already opened, and those for which abstracts have been prepared, shall be directed to the appropriate Business Service Center for reply.

Section 5-6.104-4(b) is revised as follows, to clarify instructions relative to required approvals when rejecting bids for foreign products pursuant to Small Business or Labor Surplus area preference policies:

§ 5-6.104-4 Evaluation of bids and proposals.

(b) Except for paragraph (a) (8) of this section, prior to final action under paragraph (a) of this section, the Administrator (or his designee) will (1) obtain advice from the Director, Office of Emergency Planning, with respect to rejection of bids or offered prices on the grounds that such rejection is necessary to protect essential national security interests, and (2) apprise the Executive Office of the President, Bureau of the Budget, of the facts in the matter with respect to rejection of bids or offered prices for reasons of the national interest not described or referred to in Executive Order 10582, as amended.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective immediately.

Dated: July 6, 1966.

J. E. MOODY,
Acting Administrator of
General Services.

[F.R. Doc. 66-7606; Filed, July 12, 1966;
8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter 1—Public Health Service

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following new Part 59a and amendments to Parts 52, 61, 63, and 64 which relate solely to National Library of Medicine grants for construction of medical library facilities, improving and expanding basic resources, establishment and maintenance of regional medical libraries, and for research, fellowships, and training under P.L. 89-291, 79 Stat. 1059.

These regulations shall become effective immediately upon publication in the FEDERAL REGISTER.

1. Part 59a is added as follows:

PART 59a—NATIONAL LIBRARY OF MEDICINE GRANTS

Subpart A—Grants for Construction of Medical Library Facilities

- Sec.
- 59a.1 Applicability.
- 59a.2 Definitions.
- 59a.3 Eligibility.
- 59a.4 Application.
- 59a.5 Approval of grants.
- 59a.6 Nondiscrimination.
- 59a.7 Terms, conditions, and assurances.
- 59a.8 Payments.
- 59a.9 Good cause for other use of facility.

Subpart B—Grants for Improving and Expanding Basic Resources

- 59a.11 Applicability.
- 59a.12 Definitions.
- 59a.13 Application.
- 59a.14 Evaluation of applications.
- 59a.15 Grant awards.
- 59a.16 Termination.
- 59a.17 Use of funds or materials.
- 59a.18 Grant administrator.
- 59a.19 Inventions or discoveries.
- 59a.20 Records, reports, inspections and audits.
- 59a.21 Nondiscrimination.
- 59a.22 Direct costs.
- 59a.23 Accounting for equipment, library supplies or other materials.
- 59a.24 Interest.
- 59a.25 Project net income.
- 59a.26 Final settlement.

Subpart C—Grants for Establishment of Regional Medical Libraries

- 59a.31 Applicability.
- 59a.32 Definitions.
- 59a.33 Eligibility.
- 59a.34 Application.
- 59a.35 Award.
- 59a.36 Nondiscrimination.
- 59a.37 Terms, conditions, and assurances.
- 59a.38 Termination.
- 59a.39 Expenditures by grantee.
- 59a.40 Payments.
- 59a.41 Accounting for materials.
- 59a.42 Publications.
- 59a.43 Copyrights.

- Sec.
- 59a.44 Interest.
- 59a.45 Project net income.
- 59a.46 Final settlement.

Subpart A—Grants for Construction of Medical Library Facilities

AUTHORITY: The provisions of this Subpart A issued under sec. 392, 79 Stat. 1060; 42 U.S.C. 280b-2. Interpret or apply sec. 393, 79 Stat. 1060; 42 U.S.C. 280b-3, and sec. 398, 79 Stat. 1065; 42 U.S.C. 280b-8.

§ 59a.1 Applicability.

The provisions of this subpart apply to grants for the construction of medical library facilities as authorized by section 393 or section 398 of the Act.

§ 59a.2 Definitions.

(a) All terms not defined herein shall have the same meaning given them in the Act.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Surgeon General" means the Surgeon General of the Public Health Service and any other officer or employee of the Service to whom he delegates the authority involved.

(d) "Grant" means a grant of funds for the construction of medical library facilities as authorized by the Act.

(e) "Equipment" means those items which are necessary for the functioning of the facilities and which are considered depreciable and as having an estimated life of not less than 5 years. Not included are items of current operating expense such as stationery, binding supplies, catalog cards, or books, pamphlets, and related matter.

§ 59a.3 Eligibility.

In order to be eligible for a construction grant the applicant must:

- (a) Meet the requirements of section 393 or section 398 of the Act and
- (b) Be located in a State.

§ 59a.4 Application.

(a) **Forms.** An application for a grant shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

(b) **Execution.** The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations specified in the terms and conditions of the grant including those contained in these regulations in this subpart.

(c) **Plans and specifications.** The applicant shall furnish in sufficient detail plans and specifications of the facility to be constructed so as to indicate the nature and purpose of all portions of the facility and the type and quality of any features bearing on the major costs of construction.

(d) **Costs.** The applicant shall set forth in detail the estimated total costs of construction of the facility and the basis on which such estimate was made.

(e) **Capacity and quality of service.** The applicant shall furnish information on the extent to which and manner in which the proposed construction will

expand the applicant's capacity for medical library services or is necessary to improve or maintain the quality of such service by the applicant or, for the purpose of section 398, will enable it to serve as a regional medical library.

(f) **Other information.** The applicant shall submit such other information as the Surgeon General may require in order to enable him to act on the application.

§ 59a.5 Approval of grants.

Construction grants under this subpart may be made only if the application therefor is recommended for approval by the National Medical Libraries Assistance Advisory Board and approved by the Surgeon General. The Board shall recommend and the Surgeon General shall approve only applications for facilities which will in their judgment best promote the purposes of the Act. In evaluating applications, the Surgeon General shall give priority to applications for construction of facilities for which the need is greatest taking into consideration—

(a) **Facility; effective utilization.** The provisions made for effective utilization and efficient operation of the proposed facility in order to meet demonstrated needs for additional or improved medical library services.

(b) **Existing informational services.** The number and geographic distribution of health sciences informational facilities and services in the area in which the proposed construction is to take place.

(c) **Service group; proximity.** Proximity to health professional schools and other institutions, organizations, or groups the members or representatives of which are likely to have the greatest need for the expanded or additional facilities.

(d) **Contribution to attainment of health objectives.** The extent to which the applicant has assumed or can assume continuing obligations for providing medical library services on a scale and/or of a type such as to contribute materially to the attainment of the broad objectives of the Act.

§ 59a.6 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601; 42 U.S.C. 2000d). A regulation implementing Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Grants under this subpart provide Federal financial assistance subject to Title VI of the Civil Rights Act and the regulation promulgated pursuant thereto.

(b) Each grant hereunder is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 F.R. 12319 (Sept. 24,

1965), and the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 59a.7 Terms, conditions, and assurances.

(a) In addition to any other requirements imposed by law or determined by the Surgeon General to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the following terms, conditions, and assurances to be furnished by the applicant. The Surgeon General may at any time approve exceptions to these terms, conditions, and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program.

(b) The applicant shall have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(c) That all construction shall be permanent construction and designed to carry out the purposes of a medical library or regional medical library and that the Surgeon General's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment prescribed in § 57.109 of this Chapter, will be obtained before the project is advertised or placed on the market for bidding.

(d) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid.

(e) The applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General, will finance all costs in excess of such estimated cost and will submit to the Surgeon General for prior approval changes that substantially alter the scope of work, functions, utility or safety of the facility.

(f) That applicant will construct the project, or cause it to be constructed, in accordance with the grant application and approved plans and specifications.

(g) That applicant will maintain adequate and separate fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time.

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require.

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and

inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(j) That sufficient funds are available to meet the non-Federal share of the cost of constructing the facility: *Provided*, That an application may be approved which contains, in lieu of the above assurance, an assurance as to at least 50 percent of the non-Federal share and a requirement that the applicant give full assurance as to the availability of funds within a reasonable time and upon such reasonable terms and conditions as may be determined by the Surgeon General.

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed.

(l) That the facility will be used for the purposes for which it is constructed for not less than 20 years after the completion of construction.

(m) That no portion of the facility constructed with funds under the Act will be used for sectarian instruction or as a place for religious worship.

(n) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327-332); and (2) that the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "Labor Standards for Public Health Service Construction Grant Programs for Hospital and Related Medical Facilities" (PHS No. 930-A-5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of \$2,000 or less; (ii) the contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance; (iii) representatives of the Public Health Service and such other persons as the Surgeon General may designate or as may otherwise be provided by law, will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(o) That the applicant will use grant funds solely for the purposes of the construction for which the grant was made.

§ 59a.8 Payments.

(a) Except as provided in paragraph (b) of this section, payments shall be

made at the request of the applicant, shall be based on the cost of the work performed, materials, and equipment furnished, and services performed, as follows: (1) The first installment when not less than 10 percent of the construction of the project has been completed; (2) a second installment when not less than 25 percent of the construction of the project has been completed; (3) a third installment when not less than 50 percent of the construction of the project has been completed; (4) a fourth installment when not less than 75 percent of the construction of the project has been completed; (5) a fifth installment when not less than 95 percent of the construction has been completed; and (6) the final payment when the project is completed and final inspection by a representative of the Public Health Service is made and the amount certified as due and payable as determined by the audit.

(b) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

§ 59a.9 Other use of facility.

If within 20 years after completion of any construction for which a grant has been made the facility shall cease to be used for the medical library purposes for which it was constructed.

(a) The grantee or other owner shall notify the Surgeon General promptly in writing.

(b) The Surgeon General in determining whether there is good cause for releasing the applicant or other public or nonprofit owner from the obligation so to use the facility, shall take into consideration, among other similar factors, the extent to which:

(1) The facility will be devoted by the applicant or other public or nonprofit owner to other health purposes.

(2) The circumstances calling for a change in the use of the facility were not known, or with reasonable diligence could not have been known to the applicant, at the time of the application, and are circumstances reasonably beyond the control of the applicant or other owner; and

(3) There are reasonable assurances that for the remainder of the period other facilities not previously utilized for such medical library purposes will be so utilized and are substantially the equivalent in nature and extent for such purposes.

Subpart B—Grants for Improving and Expanding Basic Resources

AUTHORITY: The provisions of this Subpart B issued under sec. 392, 79 Stat. 1060, 42 U.S.C. 280b-2. Interpret or apply sec. 397, 79 Stat. 1063, 42 U.S.C. 280b-7; 399, 42 U.S.C. 280b-9.

§ 59a.11 Applicability.

The provisions of this subpart apply to grants for improving and expanding basic resources as authorized by section 397 of the Public Health Service Act.

§ 59a.12 Definitions.

(a) All terms not defined herein shall have the same meaning given them in the Act.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Surgeon General" means the Surgeon General of the Public Health Service and any other officer or employee of the Service to whom he delegates the authority involved, except that as used in § 59a.16, the term shall mean only the Surgeon General, the Deputy Surgeon General, or an acting Surgeon General, as provided in section 205 of the Public Health Service Act, as amended (42 U.S.C. 206).

(d) "Related instrumentality" means a public or private nonprofit institution, organization, or agency other than a library whose primary function is the acquisition, preservation, dissemination, and/or processing of information relating to the health sciences.

(e) "Annual operating expense" means, with respect to a library or related instrumentality which has been operating for less than 3 years prior to applying for a grant under this subpart, an amount equal to the average annual operating expense of the years, if any, of operation, as modified by, or when there has been no operation determined by reference to, such expense of libraries or instrumentalities of approximately the same size and performing similar functions, as determined by the Surgeon General.

(f) "Improvement and expansion" means the use of Federal funds or materials to supplement rather than supplant non-Federal funds available for the basic resources of the facility.

§ 59a.13 Application.

(a) *Filing.* Any public or private nonprofit institution, organization, or agency authorized or qualified to carry on the functions of a medical library or related instrumentality may file an application for a grant of money or materials, or both, under this subpart on such forms and in such manner as the Surgeon General may prescribe.

(b) *Execution.* The application shall be executed by an individual authorized to act for the institution or other applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

§ 59a.14 Evaluation of applications.

All applications filed in accordance with § 59a.13 shall be evaluated by the Surgeon General through such officers and employees of the Service and such experts, consultants, or groups as he may engage for this purpose. In addition to such other factors as may be required by the Act or the regulations of this subpart, the Surgeon General's evaluation shall take into account the scope of library or related services in relation to the population and purposes served by the library or related instrumentality as may be pertinent, including evidence of

the efficiency of the applicant in providing services, the amount of available equipment and other resources on hand to satisfy the needs of the area served by the facility, coordination with other library and related facilities, and potentiality for testing or demonstration of new or improved techniques in health sciences informational services.

§ 59a.15 Grant awards.

(a) *General.* Within the limits provided by law and to the extent of funds available, the Surgeon General shall award grants to those applicants whose proposals for improvement and expansion will in his judgment best promote the purposes of the Act: *Provided*, That subject to such exceptions as the Surgeon General may determine to be necessary for the orderly administration of the grant program hereunder, no grant shall be made for an application qualifying pursuant to section 397(c) (2) for less than \$1,000 in Federal funds.

(b) *Payments.* The Surgeon General shall from time to time make payments, or provide materials, to a grantee of all or a portion of any grant award. Payments may be made either in advance or by way of reimbursement for expenses incurred, or to be incurred, for the grant purposes and in such amounts or installments as best to promote prompt expansion and/or improvement of the medical library or related instrumentality. The above provisions relating to grant payments shall also be applicable to awards pursuant to section 399 of the Act.

§ 59a.16 Termination.

(a) *Termination by Surgeon General.* Any grant award may be revoked or terminated by the Surgeon General in whole or in part at any time when, in his judgment, the grantee has failed in a material respect to comply with the Act or the regulations of this subpart. The grantee shall be promptly notified of such finding in writing and given the reasons therefor. Within 10 days after receipt of such notice, or such longer period as the Surgeon General may allow, the grantee may request a reconsideration of such termination and shall be afforded an opportunity to present, orally or in writing, such information or argument as may be pertinent. If the Surgeon General reaffirms the termination, the grantee may request that the entire record be reviewed by the Secretary, whose decision shall be final.

(b) *Termination by the grantee.* A grantee may at any time terminate or cancel a grant award by notifying the Surgeon General in writing setting forth the reasons for such termination.

(c) *Accounting.* Upon any termination, the grantee shall render an accounting for all grant funds or materials: *Provided*, That to the extent the termination is due in the judgment of the Surgeon General to no fault of the grantee, credit shall be allowed for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination.

§ 59a.17 Use of funds or materials.

Any funds or materials provided by a grant under this subpart shall be expended or utilized by the grantee solely for carrying out the purposes set forth in the application and award statement and in accordance with the regulations of this subpart. The grantee may not in whole or in part delegate or transfer this responsibility to any other person.

§ 59a.18 Grant administrator.

All grant awards shall be subject to the condition that the individual designated in the application as responsible for the administration of the grant shall continue responsible for the duration of the grant period specified in the award. Whenever any such individual shall become unavailable for any reason to discharge this responsibility, the grant shall be terminated and an accounting rendered unless the grantee replaces such individual with another person found by the Surgeon General to be qualified to administer the grant.

§ 59a.19 Inventions or discoveries.

Any grant award hereunder is subject to the regulations of the Department of Health, Education, and Welfare relating to inventions and patents (45 CFR Parts 6 and 8, as amended). Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Surgeon General to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and file with, or otherwise made available to, the Surgeon General or those he may designate, at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 59a.20 Records, reports, inspections and audits.

(a) *Records and reports.* Each grant award shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Surgeon General such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Surgeon General may prescribe. No such records shall be destroyed or otherwise disposed of within three years after termination of the grant, unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General as to all, or particular types of, records.

(b) *Inspections and audits.* The filing of any application for a grant shall constitute the consent of the applicant to inspections at reasonable times by representatives of the Public Health Service and such other persons as may be designated by the Surgeon General, or as may

otherwise be provided by law, of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent such resources and personnel will be, or are, involved in carrying out the purposes of the grant. In addition, the acceptance of any grant award shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the approved project.

§ 59a.21 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601; 42 U.S.C. 2000d). A regulation implementing the statute has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Grants under this subpart provide Federal financial assistance subject to Title VI of the Civil Rights Act and the regulation promulgated pursuant thereto.

§ 59a.22 Direct costs.

(a) *General.* Funds awarded for the direct costs of an approved grant may be expended by the grantee for personal services, rental of space, materials, equipment and supplies, and other cost items as provided in the regulations of this subpart only to the extent such services, materials, equipment and supplies or other items are required to carry out the purposes set forth in the application as approved by the Surgeon General. The Surgeon General may issue rules, instructions, interpretations or limitations supplementing the regulations of this subpart and prescribing the extent to which particular types of expenditures may be charged to grant funds.

(b) *Alterations and renovations.* Grant funds are available for the cost of making minor alterations and renovations. The costs of altering or renovating buildings or other structures in which the approved project is to be, or is being, conducted may be charged as direct costs to grant funds only to the extent such alteration or renovation is essential to the accomplishment of the purposes set forth in the application as approved by the Surgeon General. Such costs may not include the costs of enlarging or adding to such structures or the erection of new structures. Whenever grant funds are used in whole or in part to defray the costs of any contract for alteration or renovation, the grantee and such contract shall be subject to compliance with all the requirements of Executive Order 11246, 30 F.R. 12319 (Sept. 24, 1965), and regulations thereunder, relating to nondiscrimination in employment by the contractor, unless such contract is other-

wise exempt pursuant to the provisions of said order or regulations thereunder.

§ 59a.23 Accounting for equipment, library supplies or other materials.

Expenditures of grants funds for movable or fixed equipment, library supplies or other materials may be charged to grant funds as direct costs to the extent they are required for accomplishment of the purposes for which the grant was made and may be retained by the grantee upon termination of the grant: *Provided*, That (a) no charge for depreciation, amortization or other use shall be made against any existing or future Federal grant or contract, and (b) if within the period of their useful life they are transferred by sale or for use otherwise for purposes inconsistent with the grant purposes, the fair market value at the time of such transfer shall be payable to the United States, or if required by the Surgeon General, title shall be transferred to the United States.

§ 59a.24 Interest.

Any interest earned through any deposit or investment by the grantee of the payments under this subpart shall be paid to the United States as such interest is received by the grantee.

§ 59a.25 Project net income.

Except as may be otherwise provided pursuant to § 59a.19 with respect to income from patentable inventions or discoveries, any grant award under this subpart is subject to such conditions as to assure return to the United States of its equitable share of any net income derived by the grantee from the activity supported by the grant.

§ 59a.26 Final settlement.

There shall be payable to the United States in final settlement the total of any amounts not accounted for pursuant to § 59a.20 and any amounts provided for under §§ 59a.23, 59a.24, and 59a.25. Such total sum shall constitute a debt owed by the grantee to the United States and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

Subpart C—Grants for Establishment of Regional Medical Libraries

AUTHORITY: The provisions of this Subpart C issued under sec. 392, 79 Stat. 1060; 42 U.S.C. 280b-2. Interpret or apply sec. 398, 79 Stat. 1065; 42 U.S.C. 280b-8.

§ 59a.31 Applicability.

The provisions of this subpart apply to grants to public or private nonprofit institutions authorized and qualified to carry on the functions of a medical library to establish and maintain regional medical libraries for the geographic areas in which they are located as authorized by section 398 of the Public Health Service Act. Grants for construction of such libraries are covered in Subpart A of this part.

§ 59a.32 Definitions.

(a) All terms not defined herein shall have the same meaning given them in the Act;

(b) "Act" means the Public Health Service Act, as amended;

(c) "Surgeon General" means the Surgeon General of the Public Health Service and any other officer or employee of the Service to whom he delegates the authority involved, except that as used in § 59a.37 the term shall mean only the Surgeon General, the Deputy Surgeon General, or an Acting Surgeon General as provided in section 205 of the Act, as amended (42 U.S.C. 206);

(d) "Geographic area" means an area composed of any part or parts of any one or more states that forms an academically and professionally integrated region, taking into consideration such factors as location and extent of communication facilities and systems, presence and distribution of educational and medical and health facilities and programs, and other activities which, in the opinion of the Surgeon General, justify the establishment and operation of a regional medical library.

(e) "Alteration" shall mean, for the purposes of this subpart, minor modifications required for the installation or rearrangement of equipment or resources, provided that such cost may not exceed \$50,000.

(f) "Annual operating expenses" means, with respect to a library which has been in operation for less than 3 years an amount equal to the average annual operating expense of the years, if any, of operation, as modified by, or when there has been no operation determined by reference to, such expense of libraries of institutions of similar size and function, as determined by the Surgeon General.

(g) "Modify and increase" means the use of Federal funds or materials to supplement rather than supplant non-Federal funds available for library resources and services.

§ 59a.33 Eligibility.

In order to be eligible for a grant, the applicant must:

- (a) Meet the criteria specified in section 398 of the Act, and
- (b) Be located in a State.

§ 59a.34 Application.

(a) An application for a grant shall be submitted in such manner as the Surgeon General may prescribe;

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations specified in the terms and conditions of the grant including those contained in these regulations;

(c) In addition to any other pertinent information which the Surgeon General may require, the applicant shall submit a description of a program to provide health sciences informational services for the geographic area in which it is located in sufficient detail clearly to identify the need for such services, the adequacy of the applicant's existing or proposed facilities and resources to undertake to provide them, the size and nature of the population to be served, the region to be served, cooperative ar-

rangements in effect, or proposed, with other qualified institutions, organizations or agencies, and the justification for the amount of funds requested.

§ 59a.35 Award.

General. The Surgeon General, with the counsel and advice of the Board in each case, shall award a grant to those applicants whose arrangements and proposed services will in his judgment best promote the purpose of the Act.

§ 59a.36 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601; 42 U.S.C. 2000d). A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Grants under this subpart provide Federal financial assistance subject to Title VI of the Civil Rights Act and the regulation promulgated pursuant thereto.

§ 59a.37 Terms, conditions, and assurances.

In addition to any other terms, conditions, and assurances required by law or imposed by the Surgeon General, each grant shall be subject to the following terms, conditions, and assurances to be furnished by the applicant. The Surgeon General may at any time approve exceptions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program.

(a) *Use of funds.* The grantee will use grant funds solely for the purposes for which the grant was made. Changes may be made only in accordance with procedures established by the Surgeon General.

(b) *Service undertakings.* (1) The grantee will agree to modify and increase its library resources so as to be able to provide supportive services to other health sciences informational activities.

(2) Qualified persons and organizations shall be entitled to free loan services, and to the extent grant funds are used to provide photo duplicated or facsimile copies of biomedical materials, the copies shall be made available without charge to such persons or organizations. The qualification of persons and organizations for the services provided hereunder shall be determined in accordance with the policies or principles of operation of the grantee, subject to such review and approval as the Surgeon General may require.

(c) *Inventions or discoveries.* Any grant award hereunder is subject to the regulations of the Department of Health, Education, and Welfare relating to inventions and patents (45 CFR Parts 6 and 8, as amended). Such regulations shall apply to any activity for which grant funds are in fact used whether

within the scope of the program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Surgeon General to assure that no contracts, assignments, or other arrangements, inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data, and other information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Surgeon General or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

(d) *Records and reports.* The grantee shall maintain such records and file with the Surgeon General such progress and other reports as the Surgeon General may prescribe, and shall maintain adequate and separate fiscal records and accounts for all grant funds. No such records shall be destroyed or otherwise disposed of within 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Surgeon General as to all, or particular types of records.

(e) *Inspections and audits.* The filing of any application for a grant shall constitute the consent of the applicant to inspections at reasonable times by representatives of the Public Health Service and such other persons as the Surgeon General may designate, or as may otherwise be provided by law, of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent such resources and personnel will be, or are, involved in carrying out the purposes of the grant. In addition, the acceptance of any grant award shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the approved project.

§ 59a.38 Termination.

(a) *Termination by the Surgeon General.* Any grant award may be revoked or terminated by the Surgeon General in whole or in part at any time whenever he finds that in his judgment the grantee has failed in a material respect to comply with requirements of the Act and the regulations of this part. The grantee shall be promptly notified of such finding in writing and given the reasons therefor. Within 10 days after receipt of such notice, or such longer period as the Surgeon General may allow, the grantee may request a reconsideration of such termination and shall be afforded an opportunity to present, orally or in writing, such information or argument as may be pertinent. If the Surgeon General reaffirms the termination, the grantee may request that the entire record be reviewed by the Secretary, whose decision shall be final.

(b) *Termination by the grantee.* A grantee may terminate or cancel its participation in the regional medical li-

braries program upon reasonable notice to the Surgeon General in writing setting forth the reasons for such termination or cancellation.

(c) *Accounting.* Upon any termination or cancellation the grantee shall account for all expenditures and obligations charged to grant funds: *Provided*, That to the extent the termination is due in the judgment of the Surgeon General to no fault of the grantee, credit shall be allowed for the amount required to settle at costs, demonstrated by evidence satisfactory to the Surgeon General to be minimum settlement costs, any noncancellable obligations incurred prior to receipt of notice of termination.

§ 59a.39 Expenditures by grantee.

(a) *Allocation of costs.* Except as may otherwise be provided by or pursuant to the regulations of this subpart, the allocation of expenditures by a grantee as between direct and indirect costs shall be in accordance with generally accepted and established accounting practices and in accordance with the same policies and methods that the grantee applies to all its related activities whether self-sponsored or supported by contracts or grants.

(b) *Direct costs; general.* Funds granted for direct costs may be expended by the grantee for personal services, rental of space, library materials, supplies, purchase or rental of equipment, training, publication, alterations of physical facilities, and other items of necessary cost required to carry out the purposes of the grant. The Surgeon General may issue rules, instructions, interpretations, or limitations supplementing the regulations of this subpart and prescribing the extent to which particular types of expenditures may be charged to grant funds.

(c) *Direct costs; personal services.* The costs of personal services are payable from grant funds substantially in proportion to the time the individual devotes to carrying out the purposes of the grant. In such proportion, such costs may include all direct costs incident to such services, such as salary during vacations and retirement and workmen's compensation charges, in accordance with the policies and accounting practices consistently applied by the grantee to all the activities.

(d) *Direct costs; notification costs.* Costs required to assure effective dissemination of information relative to the resources of and services provided by the regional library within its geographic area may be charged to the grant.

§ 59a.40 Payments.

The Surgeon General shall, from time to time, make payments to a grantee of all or a portion of the grant award, either in advance or by way of reimbursement, for costs properly chargeable to grant funds.

§ 59a.41 Accounting for materials.

Expenditures for materials such as books and periodicals, library, office, and other supplies, equipment and other necessary items, may be charged to grant

funds as direct costs only to the extent they are required during the grant period to accomplish the purposes for which the grant was made. Any such materials (excluding expendable supplies or materials within such limitations as the Surgeon General may prescribe) on hand on the date of termination, or on expiration of a grant period, except where another grant has been awarded to the grantee and except as otherwise prescribed by the Surgeon General, shall be accounted for by one or a combination of the following methods:

(a) *Retention for other medical library uses.* Such materials may be used, without adjustment of accounts, for other health sciences informational purposes, and no other accounting for such materials shall be required: *Provided*, That (1) during such period of use no charge for depreciation, amortization or for other use of the materials shall be made against any existing or future Federal grant or contract, and (2) if within the period of their useful life the materials are transferred for other purposes by sale or otherwise for use, the fair market value at the time of transfer shall be payable to the United States.

(b) *Sale or other disposition; crediting of proceeds or value.* Such materials may be sold by the grantee and the net proceeds of sale credited to the grant account, or they may be used or disposed of in any manner by the grantee by crediting to the grant account their fair market value on the termination date. To the extent materials purchased from grant funds have been used for credit or "trade-in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

(c) *Transfer to the United States.* To the extent the Surgeon General so requires or approves, title to such materials will be transferred to the United States.

§ 59a.42 Publications.

Grantees may publish materials relating to their regional medical library without prior review, providing such publications carry a footnote acknowledging assistance from the Public Health Service and indicating that findings and conclusions do not necessarily represent the views of the Service.

§ 59a.43 Copyrights.

Where the grant-supported activity results in copyrightable materials, the author is free to copyright such material but the Public Health Service reserves a royalty-free, nonexclusive, irrevocable license to use, reproduce and authorize use and reproduction of use of such material.

§ 59a.44 Interest.

Any interest earned through any deposit or investment by the grantee of the payments under this subpart shall be paid to the United States as such interest is received by the grantee.

§ 59a.45 Project net income.

Except as may be otherwise provided pursuant to § 59a.37(c) of this chapter with respect to income from patentable inventions or discoveries, any grant award under this subpart is subject to such conditions as to assure return to the United States of its equitable share of any net income derived by the grantee from the activity supported by the grant.

§ 59a.46 Final settlement.

There shall be payable to the United States as final settlement the total of any amounts not accounted for pursuant to § 59a.40 and any other amounts due under this subpart. The total amount shall constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recoverable from the grantee or its successors by setoff or by such other procedures or action as may be deemed necessary to protect the interests of the United States.

2. Amend § 52.10 of Part 52 of Title 42, Code of Federal Regulations, relating to grants for research projects by adding a new paragraph (e) to read as follows:

§ 52.10 Nature and purpose of research project grant.

(e) Medical library science and related activities and for the development and/or dissemination of new knowledge, techniques, systems, and equipment for processing, storing, retrieving, and distributing information pertaining to sciences related to health, as authorized by section 396 of the Public Health Service Act.

3. Amend Part 61 relating to fellowships in the following ways:

§ 61.2 [Amended]

a. Amend the first sentence of § 61.2 of Part 61 to read as follows: "Fellowships in the Public Health Service are for the purpose of encouraging and promoting studies or investigations relating to the physical and mental diseases and impairments of man and to the causes, prevention, and control of water pollution and to research and training in medical library science, and related fields, and the field of communication of health sciences information, and for special scientific projects for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural advancements in sciences related to health."

§ 61.7 [Amended]

b. Amend the first sentence of § 61.7 to read as follows: "The Surgeon General shall appoint one or more Fellowship Boards to examine the qualifications of applicants for fellowships, or, in the case of applicants proposing to engage in special scientific projects under section 395 of the Public Health Service Act, such other groups or committees as may be qualified to pass upon the merits of the proposals."

§ 61.9 [Amended]

c. Amend the first sentence of § 61.9(c) to read as follows: "Any individual awarded a fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General on account of (1) travel to the place at which he is to be located during the term of the fellowship and (2) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States except as may be otherwise provided by the Surgeon General in the case of fellows engaged in special scientific projects under section 395 of the Public Health Service Act."

d. Amend the third sentence of section 61.9(c) to read as follows: "Allowances will not be granted for transportation expenses of dependents or for shipping charges for personal effects or household goods, except as may be otherwise provided by the Surgeon General in the case of fellows engaged in special scientific projects under section 395 of the Public Health Service Act."

§ 61.10 [Amended]

e. Amend § 61.10 by adding a new paragraph (f) to read as follows:

(f) *Payments—installments.* Payments to sponsoring institutions and to fellows for library research and training and for special scientific projects under section 395 of the Act may be made in advance or by way of reimbursement, and, except as otherwise prescribed by the Surgeon General, in monthly installments. In the case of payments with respect to special scientific projects, allowances for the expenses referred to in subsection 61.10(c) shall be payable either to the fellow or the sponsoring institution as the Surgeon General may determine to be necessary for carrying out the purposes of the program.

§ 61.11 [Amended]

f. Amend § 61.11 by inserting before the first sentence thereof the following: "(a) *General*," and adding a new paragraph (b) as follows:

(b) *Special scientific projects.* In addition to the above requirements, all manuscripts and/or other materials resulting from a fellowship award for a special scientific project under section 395 of the Public Health Service Act shall be subject to such reasonable terms and conditions relating to disposition, copyright, and reproduction as the Surgeon General may impose.

4. Amend the Part 63 of Title 42 relating to traineeships in the following ways:

a. Amend the caption to read as follows:

PART 63—NATIONAL INSTITUTES OF HEALTH AND NATIONAL LIBRARY OF MEDICINE TRAINEESHIPS

§ 63.1 [Amended]

b. Amend § 63.1 by placing "(a)" immediately preceding the first word.

c. Amend § 63.1 by adding the following paragraph (b):

(b) A National Library of Medicine Traineeship is an award of funds to an individual for his subsistence and other expenses during a period in which he is acquiring advanced training in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of communication of health sciences information.

§ 63.5 [Amended]

d. Amend § 63.5 by adding a new paragraph (f) to read as follows:

(f) Payments made under awards pursuant to § 63.1(b) may be made to the trainee or the sponsoring institution. Except as may be otherwise prescribed by the Surgeon General, payments shall be made in advance or by way of reimbursement and in monthly installments.

§ 63.7 [Amended]

e. Amend section 63.7 by adding at the end thereof the following: "Appropriate Institute" shall also mean, with respect to awards pursuant to section 63.1(b), the National Library of Medicine.

5. Amend Part 64 of Title 42 relating to training grants in the following ways:

a. Amend the caption to read as follows:

PART 64—NATIONAL INSTITUTES OF HEALTH AND NATIONAL LIBRARY OF MEDICINE TRAINING GRANTS

§ 64.1 [Amended]

b. Amend § 64.1 by placing "(a)" immediately following the caption thereof, and redesignating subparagraphs "(a)" and "(b)" as "(1)" and "(2)", and adding the following paragraph (b):

(b) A National Library of Medicine training grant is an award of funds to a qualified educational or training institution, the objective of such a grant being to make available an increased number of facilities providing adequate training and instruction, and an increased number of persons having special competence in medical library service and science and in the field of communication of information pertaining to sciences relating to health. Such a grant may have one or both of the following purposes:

(1) To defray the expenses of the institution in providing training and instruction in medical library service and science and in communication of health sciences.

(2) To enable the institution to pay stipends and allowances to individuals during the periods in which they receive, under the direction of such institution, training and instruction in such science and communication.

§ 64.8 [Amended]

c. Amend § 64.8 by adding at the end thereof the following: "Appropriate Institute" shall also mean, with respect to National Library of Medicine training

grants, the National Library of Medicine.

(Sec. 392 of the Public Health Service Act, 42 U.S.C. 280b-2. Interpret or apply secs. 394, 42 U.S.C. 280b-4; 42 U.S.C. 280b-5; 396, 42 U.S.C. 280b-6)

Dated: June 20, 1966.

WILLIAM H. STEWART, M.D.,
Surgeon General.

Approved: June 30, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-7607; Filed, July 12, 1966;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Ship-Radar Station Licensees To Maintain an Operating Performance Record of the Shipboard Radar

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1966, the Commission considered the above-captioned matter.

2. American Merchant Marine Institute, Inc., 919 18th Street NW., Washington, D.C., has filed a petition to amend Part 83 of the Commission's rules to eliminate the requirement in paragraph (e) of section 83.405 that requires ship-radar station licensees to maintain an operating performance record of the shipboard radar. Petitioner points out that the requirement is outmoded and the reasons underlying its adoption no longer exists.

3. The provision of § 83.405(e) requires maintenance of an operating performance record by ship-radar station licensees. This requirement was established at a time when shipboard radar was a newly developed device in order to provide information that would be helpful in determining the need for additional rules or equipment standards. The information elicited has been helpful, the requirement has served its purpose and the continued maintenance of such records is no longer necessary. Elimination of the requirement should relieve ship-radar station licensees of an unnecessary burden.

4. The amendments herein are non-controversial in nature and hence, the Commission finds it is unnecessary to comply with the public notice and procedure provisions of section 4 (a) and (b) of the Administrative Procedure Act. Likewise, the effective date provision of section 4(c) is not applicable since the amendments ordered herein relieve a restriction which will benefit the public. Authority for the amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That the petition (RM-951) filed by American Merchant Marine Institute, Inc., is hereby granted and effective

July 15, 1966, Part 83 of the Commission's rules is amended as set forth below.

6. *It is further ordered*, That this proceeding is terminated.

Released: July 8, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 83, Stations on Shipboard in the Maritime Service is amended as follows:

1. Section 83.405, paragraph (e) is deleted in its entirety and the introductory text of paragraph (f) is amended to read:

§ 83.405 Special provisions applicable to ship-radar stations.

(e) [Reserved]

(f) In addition to the installation and maintenance record required by paragraph (d) of this section, the following documents shall be available for reference on board each radar-equipped vessel:

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 66-7594; Filed, July 12, 1966;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to public hunting. These open areas, comprising 9,380 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Squirrel hunting is permitted from sunrise to sunset and extends from August 1 through October 15, 1966, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels.

LOYAL A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard
National Wildlife Refuge.

JULY 6, 1966.

[F.R. Doc. 66-7585; Filed, July 12, 1966;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Percentage Depletion Rate for Certain Clays; Treatment Processes Considered as Mining for Computing Percentage Depletion in the Case of Minerals and Ores

Pursuant to the Administrative Procedure Act, approved June 11, 1946, regulations proposed to be prescribed as § 1.613-3 (b), (c), and (d) were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for November 3, 1956 (21 F.R. 8439). Notice is hereby given that such proposed regulations are withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. These are, in part, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 60 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his request, in writing, to the Commissioner within the 60-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 611(a) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 207, 917; 26 U.S.C. 611(a), 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed to amend the sections indicated herein of the Income Tax Regulations under section 613 of the Internal Revenue Code of 1954. Except as otherwise provided, such regulations are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954. With respect to taxable years beginning after December 31, 1960, the regulations prescribed herein give

effect to the amendments made by section 302 of the Public Debt and Tax Rate Extension Act of 1960 (74 Stat. 291).

PARAGRAPH 1. There is inserted immediately after § 1.611 the following new section:

§ 1.611-0 Regulatory authority.

Sections 1.611-1 through 1.614-8, inclusive, are prescribed under the authority granted the Secretary or his delegate by section 611(a) of the Code to prescribe regulations under which a reasonable allowance for depletion and depreciation of improvements shall be allowed, according to the peculiar conditions in each case, in the case of mines, oil and gas wells, other natural deposits and timber.

PAR. 2. Section 1.613 is amended by revising sections 613(b) and 613(c) and by adding to the historical note. These amended provisions read as follows:

§ 1.613 Statutory provisions; percentage depletion.

Sec. 613. Percentage depletion. * * *

(b) *Percentage depletion rates.* The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

* * * * *

(3) 15 percent—

(A) Metal mines (if paragraph (2)(B) does not apply), rock asphalt, and vermiculite; and

(B) If paragraph (5)(B) does not apply, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

* * * * *

(5) 5 percent—

(A) Gravel, mollusk shells (including clam shells and oyster shells), peat, pumice, sand, scoria, shale, and stone, except stone described in paragraph (6);

(B) Clay used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products; and

(C) If from brine wells—bromine, calcium chloride, and magnesium chloride.

* * * * *

(c) *Definition of gross income from property.* For purposes of this section—

* * * * *

(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (4) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

* * * * *

(4) *Treatment processes considered as mining.* The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which he is entitled to a deduction for depletion under section 611:

(A) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(B) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(C) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, sintering, and substantially equivalent processes to bring to shipping grade and form, and loading for shipment;

(D) In the case of lead, zinc, copper, gold, silver, uranium, or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit;

(E) The pulverization of talc, the burning of magnesite, the sintering and nodulizing of phosphate rock, and the furnacing of quicksilver ores;

(F) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

(G) In the case of clay to which paragraph (5)(B) of subsection (b) applies—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

(H) Any other treatment process provided for by regulations prescribed by the Secretary or his delegate which, with respect to the particular ore or mineral, is not inconsistent with the preceding provisions of this paragraph.

(5) *Treatment processes not considered as mining.* Unless such processes are otherwise provided for in paragraph (4) (or are necessary or incidental to processes so provided for), the following treatment processes shall not be considered as "mining": electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

* * * * *

(Sec. 613 as amended by sec. 36, Technical Amendments Act 1958 (72 Stat. 1633); sec. 302, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 6, Act of Sept. 2, 1964 (P.L. 88-571, 78 Stat. 860))

PAR. 3. Paragraph (a) of § 1.613-2 is amended by revising subdivisions (iii) and (v) of subparagraph (1). These amended provisions read as follows:

§ 1.613-2 Percentage depletion rates.

(a) In general. * * *

(1) Without regard to situs of deposits. The following rates are applicable to the minerals listed in this subparagraph regardless of the situs of the deposits from which the minerals are produced:

(iii) 15 percent—

(a) Applicable to taxable years beginning either before January 1, 1961, or after December 31, 1960: Metal mines, rock asphalt, vermiculite.

(b) Applicable only to taxable years beginning before January 1, 1961: Refractory and fire clay.

(c) Applicable to taxable years beginning before January 1, 1961, and also applicable to taxable years beginning after December 31, 1960, if subdivision (v)(c) of this subparagraph does not apply to such taxable years: Ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

(v) 5 percent—

(a) Applicable to taxable years beginning either before January 1, 1961, or after December 31, 1960: Gravel, mollusk shells (including clam shells and oyster shells), peat, pumice, sand, scoria, shale, stone (except dimension or ornamental stone). If from brine wells—Bromine, calcium chloride, magnesium chloride.

(b) Applicable only to taxable years beginning before January 1, 1961: Brick and tile clay.

(c) Applicable only to taxable years beginning after December 31, 1960: Clay used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products.

PAR. 4. Paragraphs (b), (c), and (d) of § 1.613-3 are prescribed to read as follows:

§ 1.613-3 Gross income from the property.

(b) Minerals other than oil and gas—

(1) In general. The term "gross income from the property," as used in section 613(c)(1), means, in the case of a mineral property other than an oil or gas property, gross income from mining. "Gross income from mining" is that amount of income which is attributable to the processes of extraction of the ores or minerals from the ground, the application of mining treatment processes, and transportation which qualifies as "mining." For the purpose of this section, "ordinary treatment processes" (applicable to the taxable years beginning before January 1, 1961) and "treatment processes considered as mining" (applicable to the taxable years beginning after

December 31, 1960) will be referred to as "mining treatment processes." Processes and transportation which do not qualify as mining will be sometimes referred to as nonmining processes. Also for the purpose of this section, transportation which qualifies as "mining" will be referred to as "mining transportation" and transportation which does not qualify as "mining" will be referred to as "nonmining transportation." See paragraph (f)(1) of this section for the definition of the term "mining."

(2) Sales prior to the application of nonmining processes and nonmining transportation—(i) Subject to the provisions of subdivision (ii) of this subparagraph and the adjustments required by paragraph (e) of this section, "gross income from mining" means the amount for which the ore or mineral is sold if the taxpayer sells the ore or mineral—

(a) As it emerges from the mine, prior to the application of any process other than a mining treatment process or any transportation.

(b) After the application of only mining treatment processes, and prior to any transportation, or

(c) After application of only mining treatment processes, and after only mining transportation.

(ii) Subdivision (i) of this subparagraph shall not apply in any case where the price for which the ore or mineral is sold is established by means of a violation of the Sherman Anti-Trust Act of July 2, 1890, 26 Stat. 209, 15 U.S.C. 1-7, as amended, or by means of a violation of a similar State or Federal law. In case the price is so established, "gross income from mining" shall be determined in accordance with paragraph (c) of this section, if it is possible to ascertain a representative market or field price for the taxpayer's ore or mineral; if it is impossible to ascertain a representative market or field price, there shall be used such evidence of a fair market price for the taxpayer's ore or mineral as may be available. Unless it has been determined by the final judgment of a court of competent jurisdiction or it is alleged in a criminal or civil proceeding instituted by a Federal, State, or local government, or an agency thereof, that the price for which the ore or mineral is sold was established by such a violation, for purposes of this subparagraph it shall be deemed that the price is not so established.

(c) Sales after the application of nonmining processes or nonmining transportation where a representative market or field price for the taxpayer's ore or mineral can be ascertained—(1) General rule. If the taxpayer processes or transports the ore or mineral before sale (other than by mining treatment processes or mining transportation), "gross income from mining" means the representative market or field price of an ore or mineral of like kind and grade as the taxpayer's ore or mineral after the application of only the mining treatment processes actually applied and before any nonmining transportation, subject to any adjustments required by

paragraph (e) of this section. If it is possible to determine a representative market or field price under the provisions of this paragraph, the taxpayer's "gross income from mining" shall be determined on the basis of such price rather than under the provisions of paragraph (d) of this section.

(2) Criteria for determining whether an ore or mineral is of like kind and grade as the taxpayer's ore or mineral. An ore or mineral will be considered to be of like kind and grade as the taxpayer's ore or mineral if, in common commercial practice, it is regarded as sufficiently similar in chemical or physical characteristics to the taxpayer's ore or mineral that it is used or is economically suitable for use for essentially the same purpose as the use to which the taxpayer's ore or mineral is put. In determining whether an ore or mineral is of like kind and grade as the taxpayer's, an ore or mineral will be considered to be of like kind and grade as the taxpayer's ore or mineral even though the chemical or physical characteristics (including size) of such ore or mineral are not precisely identical to those of the taxpayer's ore or mineral. For example, in the case of a taxpayer who mines and uses his bituminous coal in the production of coke, all bituminous coals having coking quality suitable for commercial use by coke producers are considered to be of like kind and grade as the coal mined and used by the taxpayer. Similarly, the fact that the taxpayer applies slightly different size reduction processes or applies slightly different beneficiation processes than are applied to an ore or mineral which meets the standard of the first sentence of this subparagraph will not, in itself, prevent such ore or mineral from being considered to be of like kind and grade as the taxpayer's ore or mineral. On the other hand, the fact that two ores or minerals are suitable for the same general commercial use will not cause the two ores or minerals to be considered to be of like kind and grade if the desirable constituents of the two ores or minerals are markedly different substances. For example, bauxite will not be considered to be of like kind and grade as iron ore merely because the final products manufactured from these ores are used for a common purpose, i.e., structural uses. Similarly, coal will not be considered to be of like kind and grade as natural gas merely because both coal and natural gas may be used as fuel.

(3) Factors to be considered in determining the representative market or field price for the taxpayer's ore or mineral. In determining the representative market or field price for the taxpayer's ore or mineral, consideration shall be given only to prices of ores or minerals of like kind and grade as the taxpayer's ore or mineral and with which, under commercially accepted standards, the taxpayer's ore or mineral would be considered to be in competition if it were sold under the conditions described in paragraph (b)(2)(i) of this section. As among such prices primary

¹ Not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

consideration shall be given to prices for sales during the taxable year (with appropriate adjustment in the event of price changes within such taxable year) of ores or minerals:

(i) Most similar, after the application of mining treatment processes, to the taxpayer's ore or mineral, and

(ii) Produced from mines closest to the mine of the taxpayer.

In the event that the individual criteria listed above each tend to support different prices, the determination of which of the two criteria should be accorded the greater importance will depend on the facts and circumstances of the individual case. A weighted average of the selling price of ores or minerals of like kind and grade as the taxpayer's, benefited only by mining treatment processes, in the marketing area of the taxpayer's mine, although not a prerequisite to the determination of the representative market or field price, may assist in the determination of such price. The identity of the relevant market, and the price within such market which is the representative market or field price, are necessarily factual determinations to be made on the basis of the facts and circumstances of each individual case.

(4) *Type of sales which may be considered in determining the representative market or field price for the taxpayer's ore or mineral.* Sales of ores or minerals of like kind and grade as the taxpayer's will be taken into consideration in determining the representative market or field price for the taxpayer's ore or mineral only if such sales are the result of competitive transactions. For the purpose of determining the representative market or field price for the taxpayer's ore or mineral, exceptional, nominal, unusual, tie-in, or accommodation sales shall be disregarded.

(5) *Information to be furnished by a taxpayer computing gross income from mining by use of a representative market or field price.* A taxpayer who computes his gross income from mining pursuant to the provisions of this paragraph shall attach to his return a statement indicating the price or prices used by him in computing the representative market or field price for his ore or mineral and the source of his information as to such price or prices.

(6) *Limitation on gross income from mining computed under the provisions of this paragraph.* No price shall be considered a representative market or field price for the taxpayer's ore or mineral if the sum of such price plus the costs of the nonmining processes which the taxpayer applies to his ore or mineral exceed the taxpayer's actual sales price of the product sold. For example, if the costs of nonmining processes applied by the taxpayer to coal for the purpose of making coke are \$12 per ton, and the taxpayer's actual sale price for such coke is \$18 per ton, a price of \$7 per ton would not be a representative market or field price for the taxpayer's coal.

(d) *Sales after the application of nonmining processes where a representative market or field price for the tax-*

payer's ore or mineral cannot be ascertained—(1) General rule. (i) If it is impossible to determine a representative market or field price as described in paragraph (c)(1) of this section, then, except as provided in subparagraph (2) of this paragraph, there shall be used the representative market or field price of the first marketable product, minus the sum of—

(a) The direct and indirect costs allocable to nonmining processes and

(b) The proportionate profits attributable to such processes, and subject to any adjustments required by paragraph (e) of this section. See § 1.611-0.

(ii) The proportionate profits attributable to nonmining processes are determined by multiplying the profit described in subdivision (iii) of this subparagraph by a fraction whose numerator is the sum of the direct and indirect costs paid or incurred by the taxpayer and allocable to nonmining processes and whose denominator is the sum of all costs, direct and indirect, paid or incurred by the taxpayer to produce, sell, and transport such first marketable product.

(iii) The profit referred to in subdivision (ii) of this subparagraph is the difference between the representative market or field price of the first marketable product and the taxpayer's total costs (direct and indirect) paid or incurred to produce, sell, and transport such product.

(iv) In determining the amount of the indirect costs allocable to nonmining processes, all of the indirect costs which are paid or incurred by the taxpayer to produce, sell, and transport the first marketable product shall be fairly apportioned between mining and nonmining.

(2) *Computation of gross income from mining by use of a method other than the proportionate profits method—(i) If, for taxable years beginning more than 90 days after the publication of this paragraph of § 1.613-3 of the Income Tax Regulations in the FEDERAL REGISTER as a Treasury decision, circumstances exist which, in the taxpayer's opinion, make the use of the proportionate profits method inappropriate in his case, the provisions of subdivision (ii) or (iii) of this subparagraph are applicable in computing gross income from mining by use of another method. Such alternative method shall be acceptable only if the taxpayer establishes to the satisfaction of the district director (in the case of a method used pursuant to subdivision (ii) of this subparagraph) or of the Commissioner (in the case of a request made pursuant to subdivision (iii) of this subparagraph) that the proportionate profits method does not clearly reflect gross income from the property, and the proposed alternative method clearly reflects gross income from the property.*

(ii) Except as provided in subdivision (iii) of this subparagraph, if a taxpayer uses a method other than the proportionate profits method the taxpayer shall file, with his income tax return for the first taxable year beginning more than 90 days after the publication of this

paragraph of § 1.613-3 of the Income Tax Regulations in the FEDERAL REGISTER as a Treasury decision for which use of such other method is desired, a statement containing the following information:

(a) An explanation of the circumstances which make it impossible to ascertain a representative market or field price for the taxpayer's ore or mineral;

(b) A concise statement of the reasons why the computation of gross income from mining is not clearly reflected by the use of the proportionate profits method;

(c) A description of the method or methods used by the taxpayer to compute his gross income from mining during the previous taxable years to which the Internal Revenue Code of 1954 is applicable;

(d) A concise description of the method the taxpayer proposes to use in lieu of the proportionate profits method; and

(e) Computations of the taxpayer's gross income from mining for the taxable year for which such alternative method is used, and for either of the two taxable years immediately preceding such taxable year, by use of—

(1) The proportionate profits method, and

(2) Such alternative method, had it been used for such years.

The district director may require such other information as may be necessary in order to determine whether adoption or continued use of the alternative method will be permitted. Whether or not the taxpayer's use of such method should be permitted and whether or not the use of such method may be continued, and the propriety of all computations incidental to the use of such method, will be determined by the district director in connection with the examination of the taxpayer's income tax returns. Such method, once adopted, shall continue to be used in all subsequent taxable years for which it is necessary to compute gross income from mining in accordance with the provisions of this paragraph, unless the use of a different method is (a) required by the district director, or (b) authorized by the Commissioner upon written request filed in the manner prescribed by subdivision (iii) of this subparagraph.

(iii) In lieu of following the procedure set forth in subdivision (ii) of this subparagraph, the taxpayer may submit a request to the Commissioner of Internal Revenue, Washington, D.C. 20224, within 90 days after the beginning of the first taxable year beginning more than 90 days after the publication of this paragraph of § 1.613-3 of the Income Tax Regulations in the FEDERAL REGISTER as a Treasury decision for which the taxpayer desires to use such other method. Such request must contain the same information required by subdivision (ii) of this subparagraph, except that the computations required by subdivision (ii)(e) shall be made for any 2 of the 3 taxable years immediately preceding the year for which applica-

tion is made. The Commissioner may require such other information as may be necessary in order to determine whether adoption of the proposed method will be permitted. Once approved, such method shall continue to be used in lieu of the proportionate profits method in the absence of (a) the approval of the Commissioner for the adoption of another method upon written request therefor, or (b) a material change in the taxpayer's operations or other material facts that requires, in the opinion of the Commissioner, that a different method be utilized in order clearly to reflect the taxpayer's gross income from the property.

(iv) For taxable years subsequent to the first taxable year to which the provisions of subdivision (ii) or (iii) of this subparagraph apply the taxpayer shall attach to his income tax returns for such subsequent taxable years a statement indicating whether gross income from mining has been computed by a method other than the proportionate profits method and, (a) whether, if a method was used to which subdivision (ii) applies, such method was permitted in the examination of the taxpayer's return for prior taxable years, or (b) if a request submitted pursuant to the provision of subdivision (iii) of this subparagraph has been approved by the Commissioner, the date such approval was granted.

(v) Subdivisions (i) through (iv) of this subparagraph shall not apply with respect to taxable years beginning before the 91st day following the publication of this paragraph of § 1.613-3 of the Income Tax Regulations in the FEDERAL REGISTER as a Treasury decision. In the case of taxable years beginning before such date, if the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects gross income from the property, then such gross income shall be computed by the use of such other method.

(3) *Costs to be used in computing gross income from mining by use of the proportionate profits method or another method based on the taxpayer's costs.* The objective of the proportionate profits method is to determine what portion of the sale price of the taxpayer's product is attributable to mining, and what portion to nonmining operations, through application of the assumption that each dollar of cost (both direct and indirect) paid or incurred to produce, sell, and transport the mineral earns the same percentage of profit. In determining the taxpayer's gross income from mining by use of the proportionate profits method or another method based on the taxpayer's costs, only costs actually incurred shall be taken into consideration. Such costs will usually be reflected on the books and records which the taxpayer maintains for cost control and other ordinary business purposes, including such internal records as may be maintained for management purposes. In general, if the taxpayer has employed in a con-

sistent manner a method of determining the direct costs of the various individual phases of his activities (such as loading for shipment, calcining, extraction, etc.) which is reasonable, does not result in the allocation of nonmining costs to mining treatment processes, or vice versa, and is in keeping with sound accounting practice, such method shall not be disturbed. In cases where the taxpayer maintains different cost records for tax purposes and for nontax purposes, the cost or other accounting records maintained for nontax purposes, if reasonable and maintained in keeping with sound accounting practice, shall be used in determining mining and nonmining costs provided that their use does not result in the allocation of nonmining costs to mining treatment processes, or vice versa. For example, even though a taxpayer elects to take a deduction for amortization of emergency facilities for the taxable year under section 168, he shall, in computing his "gross income from mining" under a method which utilizes the taxpayer's costs, substitute for the amount deducted for amortization of emergency facilities a figure which represents a reasonable deduction for depreciation based on the useful life of the assets. If only a portion of the property is subject to amortization under section 168, then the deduction shall be determined without regard to section 168. Similarly, if exploration or development costs are deducted in the year paid or incurred under section 615(a) or section 616(a), the taxpayer shall, nevertheless, in computing his "gross income from mining" for the taxable year under a method which utilizes his costs in determining such constructive income, take into account as costs the amount which would have been deductible for such taxable year if they had been deferred in accordance with section 615(b) or section 616(b). Furthermore, the charges for depreciation which the taxpayer maintains for ordinary business purposes, where reasonable and in keeping with sound accounting practice, shall be used in lieu of depreciation allowances under accelerated methods permitted as tax deductions.

(4) *Treatment of particular items in computing gross income from mining by use of the proportionate profits method or another method based on the taxpayer's costs.*—(i) In determining gross income from mining by use of the proportionate profits method or any other method which is based on the taxpayer's costs, the costs and profits attributable to "mining transportation" shall be included, that is, so much of the transportation of ores and minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the mining treatment processes are applied thereto as is not in excess of 50 miles or, if the taxpayer files an application pursuant to paragraph (h) of this section and the Commissioner finds that both the physical and other requirements are such that the ores or minerals must be transported

a greater distance to such plants or mills, the transportation over the greater distance. Where such plants or mills are in excess of 50 miles (or of such greater distance approved by the Commissioner) from the point of extraction from the ground, then costs incurred for transportation in excess of 50 miles (or of such greater distance) to the treatment plant shall be treated as "nonmining" costs in determining "gross income from mining." Accordingly, all profits attributable to such excess transportation are treated as nonmining profits. See also paragraph (g) (3) of this section, relating to transportation the primary purpose of which is marketing or distribution. In the absence of other methods which the district director determines will clearly reflect the costs of the various phases of transportation, the costs attributable to such excess transportation shall be an amount which is in the same ratio to the costs incurred for the total transportation to the treatment plant as the distance of the excess transportation is to the distance of the total transportation.

(ii) In determining "gross income from mining" by use of the proportionate profits method or any other approved method which is based on the taxpayer's costs, a process shall not be considered as a mining treatment process to the extent it is applied to ores, minerals, or other materials with respect to which the taxpayer is not entitled to a deduction for depletion under section 611. The costs of such nondepletable ores, minerals, or materials; the costs of the processes (including blending, size reduction, drying, etc.) applied thereto; and the transportation costs thereof, if any, shall be considered as nonmining costs in determining "gross income from mining." If a mining treatment process is applied to an admixture of depletable and nondepletable material, the cost of the process and the cost of transportation, if any, attributable to the nondepletable material shall be considered as nonmining costs in determining "gross income from mining." Accordingly, all profits attributable thereto are treated as nonmining profits. In the absence of methods which will more clearly reflect the cost attributable to the processing and transportation, if any, of the nondepletable admixed material, the cost attributable thereto shall be deemed to be that proportion of the costs which the tonnage of nondepletable material bears to the total tonnage of both depletable and nondepletable material.

(iii) In determining "gross income from mining" by use of the proportionate profits method (or an alternative method which the district director approves and which is based on the taxpayer's costs), the costs attributable to containers, bags, packages, and similar items as well as the costs of materials and labor attributable to bagging, packaging, or similar operations shall be considered as nonmining costs. Accordingly, all profits attributable thereto are treated as nonmining profits.

PAR. 5. Paragraphs (e) and (f) of § 1.613-3 are amended to read as follows:

§ 1.613-3 Gross income from the property.

(e) *Discounts.* The amount of any trade or (for taxable years beginning more than 90 days after the publication of this paragraph of § 1.613-3 of the Income Tax Regulations in the FEDERAL REGISTER as a Treasury decision) cash discounts allowable (whether or not allowed) by a taxpayer computing gross income from mining under the provisions of paragraph (b) (2) (i) of this section shall be subtracted from the sale price of the taxpayer's ore or mineral. In the case of a taxpayer computing gross income from mining under the provisions of paragraph (c) of this section, any such discounts allowable (if not otherwise taken into account) by the person or persons making the sales on the basis of which the representative market or field price for the taxpayer's ore or mineral is to be determined shall be subtracted from the sale price in computing such representative market or field price. In the case of a taxpayer computing gross income from mining under the provisions of paragraph (d) of this section, such discounts shall be subtracted from the representative market or field price of the first marketable product.

(f) *Definition of mining.*—(1) *In general.* The term "mining" includes only—

(i) The extraction of ores or minerals from the ground;

(ii) Mining treatment processes, as described in subparagraph (2) of this paragraph; and

(iii) So much of the transportation (whether or not by common carrier) of ores or minerals from the point of extraction of the ores or minerals from the ground to the plants or mills in which the treatment processes referred to in subdivision (ii) of this subparagraph are applied thereto as is not in excess of 50 miles, and, if the Commissioner finds that both the physical and other requirements are such that the ores or minerals must be transported a greater distance to such plants or mills, the transportation over such greater distance as the Commissioner authorizes. See paragraph (h) of this section for rules relating to the filing of applications to treat as mining any transportation in excess of 50 miles.

(2) *Definition of mining treatment processes.* (i) As used in subparagraph (1) (ii) of this paragraph, the term "mining treatment processes" means, for taxable years beginning before January 1, 1961, the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, including the following processes, and, for taxable years beginning after December 31, 1960, means the following treatment processes (and the treatment processes necessary or incidental thereto):

(a) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(b) In the case of sulfur recovered by the Frasch process—cleaning, pumping

to vats, cooling, breaking, and loading for shipment;

(c) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product (as defined in subparagraph (3) (iv) of this paragraph)—

(1) Where applied for the purpose of bringing to shipping grade and form (as defined in paragraph (f) (3) (iii) of this section)—sorting, concentrating, sintering, and substantially equivalent processes, and

(2) Loading for shipment.

(d) In the case of lead, zinc, copper, gold, silver, uranium, or fluor spar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit; and

(e) In the case of the following ores or minerals—

(1) The furnacing of quicksilver ores,

(2) The pulverization of talc,

(3) The burning of magnesite, and

(4) The sintering and nodulizing of phosphate rock.

(ii) For taxable years beginning after December 31, 1960, the term "mining treatment processes" also includes:

(a) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process; and

(b) In the case of clay to which section 613(b)(5)(B) applies—crushing, grinding, and separating the mineral from waste, but not including any subsequent process.

(iii) Under the authority granted the Secretary or his delegate in section 613(c)(4)(H), the following processes are recognized as mining treatment processes for taxable years beginning after December 31, 1960:

(a) In the case of shale used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flowerpots, and kindred products—crushing, grinding, and separating the mineral from waste, but not including any subsequent process;

(b) All size reduction processes equivalent to primary and secondary crushing (but not fine pulverization), provided such processes are not applied as a necessary or incidental part of a process specifically treated as nonmining under section 613(c)(5), and separating or screening the product of an allowable size reduction process for size prior to fine pulverization. Primary and sec-

ondary crushing are normally accomplished by the use of jaw crushers, gyratory crushers, hammer mills which are used in the same manner as jaw or gyratory crushers, and similar machines. Fine pulverization is normally accomplished by means of roller mills, ball mills, rod mills, hammer mills fitted with devices which permit drying and repeated recirculation of the material passing through the mill, and similar machines. The term "fine pulverization" does not include any process applied to reduce the product in size so that it will pass a No. 20 screen (U.S. Standard Sieve Series) provided that 5 percent or more of the product of such process will remain on a No. 45 screen (U.S. Standard Sieve Series). The screen tests shall be applied to the product introduced and to the product of the operation of each separate and distinct piece of equipment utilized in the process (such as a hammer mill), rather than to the final products for sale.

(iv) For taxable years beginning after December 31, 1960, the term "mining treatment processes" also includes size reduction processes (including fine pulverization), and separating or screening the product of such a size reduction process for size, where applied as a necessary or incidental part of any process specifically treated as mining under section 613(c)(4).

(v) The treatment processes listed in subdivisions (i) through (iv) of this subparagraph shall be considered as mining treatment processes only to the extent they are applied by a mine owner or operator to an ore or mineral in respect of which he is entitled to a deduction for depletion under section 611.

(3) *Processes recognized as mining for ores or minerals covered by section 613(c)(4)(C).* (i) As used in section 613(c)(4)(C) and subparagraph (2)(i)(c) of this paragraph, the terms "sorting" and "concentrating" mean the process of eliminating waste, separating the valuable mineral from the valueless, or separating two or more minerals or ores. In the case of ores or minerals extracted from a solid deposit by means of hydraulic mining, the term "concentrating" includes processes to remove water added to accomplish the hydraulic mining.

(ii) As used in section 613(c)(4)(C) and subparagraph (2)(i)(c) of this paragraph, the term "sintering" means the agglomeration of fine particles by heating to a temperature at which incipient, but not complete, fusion occurs. Sintering will be considered a mining treatment process only where it is applied to a concentrate of an ore or mineral as an auxiliary process necessary to bring the ore or mineral to shipping grade and form. A thermal action which is applied as a manufacturing process in the fabrication of a finished product will not be considered to be a mining treatment process, even though such thermal action may cause the agglomeration of fine particles by incipient fusion. For example, the sintering of finely ground iron ore concentrate prior to shipment from the concentration plant for the purpose of preventing the risk

of loss of the finely divided particles is considered a mining treatment process. On the other hand, a heating process applied to expand or harden clay, shale, perlite, vermiculite, or other materials in the course of the manufacture of lightweight aggregate would not be considered to be a mining treatment process.

(iii) As used in section 613(c)(4)(C) and this section, to "bring to shipping grade and form" means to bring (by the application at the mine or concentration plant of the processes designated in section 613(c)(4)(C)) the quality and size of an ore or mineral to the condition at which a significant portion thereof can be, and customarily is, shipped by normal commercial transportation, as distinct from specially constructed mine or quarry vehicles.

(iv) An ore or mineral is "customarily sold in the form of a crude mineral product," within the meaning of section 613(c)(4)(C), if a significant portion of the production thereof is sold or used as it emerges from the mine prior to the alteration of its inherent mineral content by some form of beneficiation, concentration, or ore dressing. An ore or mineral does not lose its classification as a crude mineral product by reason of the mere fact that it may be reduced in size before sale. Whether the portion of the production sold in the form of a crude mineral product is significant is a question of fact, to be determined by reference to the nationwide pattern of sales and uses during the taxable year during which the ore or mineral is mined by the taxpayer.

(4) *Type of processes recognized as mining for ores or minerals covered by section 613(c)(4)(D).* Cyanidation, leaching, crystallization, and precipitation, which are listed in section 613(c)(4)(D) as treatment processes considered as mining, and the processes (or combination of processes) which are substantially equivalent thereto, will be recognized as mining only to the extent that they are applied to the taxpayer's ore or mineral for the purpose of separation or extraction of the product or products from the ore or mineral or minerals from other material extracted from the mine or other natural deposit. A process will not be recognized as mining if it beneficiates the ore or mineral to the degree that it constitutes smelting, refining, or any other nonmining process within the meaning of paragraph (g) of this section. As used in section 613(c)(4)(D) and subparagraph (2)(i)(d) of this paragraph, the term "concentration" means the process of eliminating waste, separating the valuable mineral from the valueless, or separating two or more minerals or ores.

PAR. 6. Paragraphs (g), (h), and (i) of § 1.613-3 are prescribed to read as follows:

§ 1.613-3 Gross income from the property.

(g) *Nonmining processes*—(1) *General rule.* Unless they are otherwise provided for in paragraph (f) of this section as mining treatment processes (or are

necessary or incidental to processes listed therein), the following processes are not considered to be mining treatment processes—electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization (as defined in paragraph (f)(2)(iii)(b) of this section), blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

(2) *Post mining processes.* A treatment process, even though otherwise nominally specified as a mining treatment process, shall not be considered as mining if applied as a necessary or incidental part of, or subsequent to, such nonmining processes as refining, smelting, roasting, manufacturing, or any other nonmining activity. For example, loading for shipment of products which have been molded, shaped, or fired, or the crushing and grinding of concentrates, shall not be considered as mining.

(3) *Transportation for the purpose of marketing or distribution; storage.* Transportation the primary purpose of which is marketing, distribution, or delivery for the application of only nonmining treatment processes shall not be considered as mining. Nor shall transportation be considered as mining merely because, during the course of such transportation, some extraneous matter is removed from the ore or mineral by the operation of forces of nature, such as evaporation, drainage, or gravity flow. Similarly, storage shall not be considered as mining merely because, during the course of such storage, some extraneous matter is removed from the ore or mineral by the operation of such forces of nature.

(h) *Application to treat, as mining, transportation in excess of 50 miles.* If a taxpayer desires to include in the computation of his gross income from mining transportation in excess of 50 miles from the point of extraction of the minerals from the ground, he shall file an original and one copy of an application for the inclusion of such greater distance with the Commissioner of Internal Revenue, Washington, D.C. 20224. The application must include a statement setting forth in detail the facts concerning the physical and other requirements which prevented the construction and operation of the plant (in which mining treatment processes, as defined in paragraph (f) of this section, are applied) at a place nearer to the point of extraction from the ground. These facts must be sufficient to apprise the Commissioner of the exact basis of the application. If the taxpayer's return is filed prior to receipt of notice of the Commissioner's action upon the application, a copy of such application shall be attached to the return. If, after an application is approved by the Commissioner, there is a material change in any of the facts relied upon in such application, a new application must be submitted by the taxpayer.

(i) *Extraction from waste or residue.* "Extraction of ores or minerals from the ground" means not only the extraction

of ores or minerals from a deposit, but also the extraction by mine owners or operators of ores or minerals from waste or residue of prior mining. The preceding sentence does not apply to any such extraction of ores or minerals by the purchaser of such waste or residue or the purchaser of the rights to extract ores or minerals from such waste or residue. The term "purchaser" does not apply to any person who acquires mineral property, including such waste or residue, in a tax-free exchange, such as a corporate reorganization, from a person who was entitled to a depletion allowance upon ores or minerals produced from such waste or residue, or from a person who would have been entitled to such depletion allowance had section 613(c)(3) been in effect at the time of the transfer. The term "purchaser" also does not apply to a lessee who has renewed a mineral lease if the lessee was entitled to a depletion allowance (or would have been so entitled had section 613(c)(3) been in effect at the time of the renewal) upon ores or minerals produced from such waste or residue before renewal of the lease. It is not necessary, for purposes of the preceding sentence, that the mineral lease contain an option for renewal. The term "purchaser" does include a person who acquires such waste or residue in a taxable transaction, even though such waste or residue is acquired merely as an incidental part of the entire mineral enterprise. It is immaterial whether the waste or residue results from the process of extraction from the ground or from application of mining treatment processes, as defined in paragraph (f) of this section. However, extraction of ores or minerals from waste or residue which results from processes which are not allowable as mining treatment processes is not treated as mining. For special rules with respect to certain corporate acquisitions referred to in section 381(a), see section 381(c)(18) and the regulations thereunder.

[P.R. Doc. 66-7591; Filed, July 12, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[Docket No. 16744; FCC 66-601]

CITIZENS RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of § 95.95 (d) to exempt certain citizens radio stations from the station identification requirements, Docket No. 16744.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 95.95(d) of Part 95 of the Commission's rules, which governs the Citizens Radio Service, currently exempts only those stations used for the control of remote objects or for the remote actuation of attention attracting devices from the station identification

requirements. The rules governing the other land mobile services (Parts 89, 91, and 93) provide an exemption, upon request and a showing of need therefor, to stations used for telemetering purposes or used as relay or repeater stations. In the latter case, the exemptions, which are routinely granted, require only that the control stations be identified. There is a similar need for exemption for Class A relay stations as well as those citizens radio stations employing a form of emission, such as for telemetering, where it is not practicable to identify the station.

3. Accordingly, it is proposed to amend § 95.95(d) to provide an exemption from the station identification requirements for Class A stations which automatically retransmit the information received by radio from another station which is properly identified or a citizens radio station which is not being used for telephony emission. The Commission may,

however, require such stations to identify in situations where identification is necessary and/or desirable.

4. The proposed amendment is set forth below and is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 15, 1966, and reply comments on or before August 31, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all state-

ments, briefs, or comments filed shall be furnished the Commission.

Adopted: July 7, 1966.

Released: July 8, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

Section 95.95(d) of Part 95 of the Commission's rules is amended to read as follows:

§ 95.95 Station identification.

(d) Unless specifically required by the station authorization the transmissions of a citizens radio station need not be identified when the station (1) is a Class A station which automatically retransmits the information received by radio from another station which is properly identified or (2) is not being used for telephony emission.

[F.R. Doc. 66-7595; Filed, July 12, 1966; 8:46 a.m.]

¹ Commissioner Johnson not participating.

Notices

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Decision To Revise Prescribed Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously approved minimum educational requirements for positions in the Education and Vocational Training Series, GS-1710, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Education and Vocational Training Series, GS-1710 (all positions GS-5 through GS-15).

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.147 (published originally in 25 F.R. 1745, March 1960, as amended at 25 F.R. 9196, Sept. 27, 1960); 5 CFR 24.147 (published originally in 26 F.R. 10447, Nov. 4, 1961) amending paragraph (a); and 5 CFR 24.149 (published originally in 25 F.R. 9167, Sept. 24, 1960).

Minimum educational requirements. For all positions, applicants must have successfully completed a full 4-year course leading to a bachelor's degree (any major) from an accredited college or university.

This minimum education must have included or been supplemented by evidence of professional preparation in the field of education. For education positions which involve a subject-matter field, the degree must also have included, or been supplemented by, evidence of competence in that field.

Duties. Employees in these positions perform professional work in the field of education in federally operated programs of education and vocational training. Many of them serve as teachers, instructors, counselors, supervisors, and administrators in academic, technical-vocational, or special education programs at elementary or secondary school, college or graduate levels. Others provide professional support to the education staff by serving as education specialists who evaluate, develop, or advise on educational materials and instructional media, and who specialize in subject-matter areas or in such functional areas as guidance, educational tests and measurements, training aids, and education administration. Some employees serve as

education advisers on and managers of education programs for military personnel.

Reasons for the requirements. Essential to all positions in this series is the basic academic foundation provided by a full 4-year course of study in an institution of higher education. This basic foundation can only be obtained through directed study in an accredited college or university which provided library and laboratory facilities, and thoroughly trained instructors who can give professionally competent training, guidance, and evaluation. This study is the essential base for the application of professional knowledge in the field of education.

Professional knowledge of the principles and philosophy of education and of its theories, practices and techniques are required for all positions, and, for some positions, subject-matter knowledge appropriate to the position. Candidates' competency to apply this knowledge can be demonstrated through any of the following:

- (a) Successful completion of appropriate individual courses in an accredited college or university; or
- (b) Successful completion of an appropriate teacher education program designed by an accredited institution of higher education and approved by recognized approving body; or
- (c) Acceptable scores in appropriate written tests designed to measure professional knowledge in the field of education and in specific teaching areas; or
- (d) Combinations of the foregoing.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-7604; Filed, July 12, 1966;
8:47 a.m.]

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Decision To Revise Prescribed Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Range Conservation Series, GS-454, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Range Conservation Series, GS-454 (all grades and specializations).

Superseded requirements. The following material supersedes that previously published in 24 F.R. 5207, June 26, 1959, and in 29 F.R. 12043, August 22, 1964.

Minimum educational requirements. Candidates for Range Conservationist positions must demonstrate successful completion of the requirements in either paragraph A or B below; candidates for Range Scientist positions must demonstrate successful completion of the requirements in paragraph A below.

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in range management or a closely related subject-matter field. The study must have included at least 30 semester hours in any combination of plant, animal, and soil sciences and natural resource management. At least 12 of these 30 semester hours must have been in range management.

B. Course work in an accredited college or university with major study in range management or a closely related subject-matter field, including subjects and hours as specified in paragraph A, plus enough additional education or range conservation experience to total 4 years of education or 4 years of combined education and experience. The quality of such additional education or experience must have been sufficient to give the candidate technical knowledge equivalent to that normally acquired through completion of degree requirements as described in paragraph A above.

Duties of the position. Range Conservationists perform professional work concerned with inventorying, analyzing, improving, protecting, utilizing, and managing the natural resources and uses of range lands, which include grasses, shrubs, trees, soil, water, livestock, wildlife, and the varied uses to which these can be put. They study the ecological elements pertaining to the condition and treatment of range lands; plan for the management and improvement of range lands; protect and regulate the use of public and Indian range lands; develop cooperative relationships with range users; assist private and Indian landowners to plan and apply range conservation programs; develop technical specifications for range conservation work; and perform staff analysis and advisory work relating to the development and implementation of range conservation programs.

Range Scientists carry out basic and applied research to discover principles underlying range conservation activities and to develop new or improved practices, techniques, or equipment for range conservation work.

Reasons for establishing requirements. A thorough knowledge of the principles, concepts, techniques, and practices of range management and of the underlying scientific concepts is essential for performing the work of a range conservation position. The only method by which the necessary knowledge and training may be acquired is through a directed course of study in an accredited college or university where competent instruction and guidance are available; where there are adequate scientific libraries, laboratories, and facilities for field study; where the course work is arranged in a systematic, progressive schedule; and where progress in the acquisition of professional and scientific knowledge and skill may be competently evaluated.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-7605; Filed, July 12, 1966;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17500]

ST. LAWRENCE GAS CO., INC.

Notice of Petition To Amend

JULY 1, 1966.

Take notice that on June 21, 1966, St. Lawrence Gas Co., Inc. (Petitioner), 42 Main Street, Massena, N.Y., filed in Docket No. G-17500 a petition to amend the order issued in said docket on August 8, 1961 (Opinion No. 347, 26 FPC 265), requesting that ordering paragraph (A) of said order be amended so as to authorize the importation from Canada into the United States by Petitioner of maximum annual and daily volumes of natural gas in amounts of 5,519,987 Mcf and 23,000 Mcf, respectively, in lieu of the presently authorized maximum annual volume of 3,765,700 Mcf and maximum daily volume of 16,710 Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it has entered into a gas purchase contract with Niagara Gas Transmission Ltd. (Niagara), a Canadian corporation, for the purchase by Petitioner of the quantities of natural gas proposed to be imported pursuant to the authorization requested by the instant filing. Petitioner further states that no additional facilities are required to be constructed by Niagara or by Petitioner to enable transportation and delivery by Niagara and receipt by Petitioner of the proposed maximum annual and daily volumes of gas and that no increase in rates to ultimate consumers will be required as a result of increased sales.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20402, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before July 29, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7599; Filed, July 12, 1966;
8:46 a.m.]

[Project 2588]

CITY OF KAUKAUNA THROUGH ITS UTILITIES COMMISSION

Notice of Application for License for Constructed Project

JULY 6, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the city of Kaukauna through its Utilities Commission (correspondence to: Norbert D. Rhinerson, General Manager, City of Kaukauna Electric & Water Department, 101 Maine Avenue, Kaukauna, Wis. 54130) for a license for constructed Project No. 2588, known as Little Chute Dam Project, located on the Fox River in the village of Combined Locks, in Outagamie County, Wis.

The existing project utilizes the existing United States Little Chute Dam through headrace structures owned by Green Bay & Mississippi Canal Co., but leased by Applicant, who also leases from the Canal Co. the lands upon which the hydroelectric project works are situated. The project consists of: (1) Headrace structures at Little Chute Dam; (2) nine 14-foot by 20-foot steel tainter gates; (3) an integral intake powerhouse containing three 1660 horsepower vertical turbines each connected to a generator of 1,100 kw capacity; (4) three 2.4/12 kv single phase 60 cycle transformers; (5) a 12 kv transmission line 1 1/4 miles long tapping into the line from the applicant's Badger plant to the Combined Locks Paper Co.; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 25, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7579; Filed, July 12, 1966;
8:45 a.m.]

[Project 2593]

J. P. LEWIS CO.

Notice of Application for License for Constructed Project

JULY 6, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the J. P. Lewis Co. (correspondence to: Richard C. Cummings, Secretary, The J. P. Lewis Co., Beaver Falls, N.Y. 13305) for license for constructed Project No.

2593, known as Beaver River Project, located on Beaver River in the towns of Croghan and New Bremen and hamlet of Beaver Falls, in Lewis County, N.Y.

The existing project consists of: (1) A concrete gravity ungated ogee spillway dam having a maximum height of 25 feet to spillway crest elevation 799.0 feet (U.S.G.S. datum); (2) a short headrace at the left abutment with three sliding timber gates (overall length of dam and intake is 400 feet); (3) a reservoir that at normal headwater level has a surface area of approximately 48 acres; (4) a concrete and concrete block powerhouse with a single automatic unit, a vertical adjustable blade turbine direct connected to a generator rated 1,875 kva, 0.8 pf; 240 rpm; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 25, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7580; Filed, July 12, 1966;
8:45 a.m.]

[Docket No. E-7300]

PACIFIC POWER & LIGHT CO.

Notice of Application

JULY 6, 1966.

Take notice that on June 27, 1966, Pacific Power & Light Co. (Applicant), incorporated under the laws of the State of Maine and authorized to do business as a foreign corporation in the States of Oregon, Washington, California, Idaho, Montana, and Wyoming, with its principal place of business at Portland, Oreg., filed an application seeking an order, pursuant to section 202(e) of the Federal Power Act, authorizing Applicant to sell electric energy to British Columbia Hydro & Power Authority (British Columbia Hydro), Vancouver, Province of British Columbia, Canada, such energy to be transmitted to British Columbia for resale to customers of British Columbia Hydro during the period October 1, 1966, through April 30, 1967. The energy proposed to be sold will be delivered to British Columbia Hydro by Bonneville Power Administration (BPA) for the account of Applicant at the point on the United States-Canadian border near Blaine, Wash., where the existing electric facilities of British Columbia Hydro and BPA interconnect. Deliveries will be at 230 kv, 60 cycle, 3 phase. The amount of energy proposed to be sold is an average of 60 mw per month with deliveries at the maximum rate of 100 mw. The charge for the energy proposed to be sold will be 4.25 mills per kwh plus wheeling charges.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1966, file with the Federal Power Com-

mission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7581; Filed, July 12, 1966;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-38]

NORWAY NORTH ATLANTIC CONFERENCE

Notice of Postponement of Dates

Respondent Norway North Atlantic Conference has requested a postponement of the date for filing affidavits of fact and memoranda of law specified in the order to show cause, served June 10, 1966. Good cause appearing, the following revisions to that order are made:

(1) Respondents shall file affidavits of fact and memoranda of law no later than close of business August 15, 1966.

(2) Hearing Counsel and intervenors, if any, shall file replies to respondent's affidavits of fact and memoranda of law no later than close of business August 29, 1966.

(3) Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure, no later than close of business July 15, 1966, with copy to Respondent Conference.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-7620; Filed, July 12, 1966;
8:48 a.m.]

PREMIER SHIPPING CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice

in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service compensation is to be divided as agreed between the parties.

Premier Shipping Co., Inc., New York, N.Y., and Raymond H. Hamson, Boston, Mass.	FF-3067
Oceanic Forwarding Co., San Francisco, Calif., and the Import Co., Chicago, Ill.	FF-3068
Universal Transport Corp., New York, N.Y., and Fillette, Green & Co., Inc., Pensacola, Fla.	FF-3069
Farrell Shipping Co., Inc., New Orleans, La., and Fillette, Green & Co., Inc., Pensacola, Fla.	FF-3071
American Union Transport Forwarding, Inc., New York, N.Y., Southern Steamship Agency, Inc., Gulfport, Miss.	FF-3072
Freedman & Slater, Inc., New York, N.Y., and Barco International Corp., Miami, Fla.	FF-3073
Trans World Shipping Corp., New York, N.Y., and Ellis Forwarding Co., Houston, Tex.	FF-3074
Alba Forwarding Co., Inc., New York, N.Y., and E. L. Mobley, Savannah, Ga.	FF-3076
Surface Freight Corp., New York, N.Y., and Standard Shipping Co., New Orleans, La.	FF-3077
Samuel Shapiro & Co., Inc., Baltimore, Md., and Thornley & Pitt, Inc., San Francisco, Calif.	FF-3078

Agreement No. FF-3070 between C. S. Greene & Co., Inc., Chicago, Ill., and Footner & Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees for passing shipper's export declaration is set at \$3.50; passing shipper's export declaration, ordering freight to pier, issuing bills of lading for direct release is set at \$7.50; passing shipper's export declaration, ordering freight to pier, issuing bills of lading and preparation consular is set at \$11.50. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF-3075 between Darrell J. Sekin & Co., Dallas, Tex., and J. E. Bernard & Co., Chicago, Ill., is a cooperative working arrangement whereunder the fee for forwarding services rendered by either party shall be agreed upon by the parties in the following manner: 50 percent to Darrell J. Sekin & Co. and 50 percent to J. E. Bernard & Co.

Dated: July 8, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-7621; Filed, July 12, 1966;
8:48 a.m.]

ATOMIC ENERGY COMMISSION STATE OF NEBRASKA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nebraska for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Nebraska and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Nebraska regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and License Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 1st day of July 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEBRASKA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any

State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nebraska is authorized under section 71-3509 of the 1963 Radiation Control Act, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nebraska certified on June 3, 1966, that the State of Nebraska (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the

manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on October 1, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

This narrative describes the policies and procedures of the State of Nebraska, Department of Health, radiological health program relating to the regulation of ionizing radiation sources. The control program will be conducted by the Division of Radiological Health.

AUTHORITY

Section 274b, 1954 Atomic Energy Act, as amended, authorizes an agreement between the U.S. Atomic Energy Commission and the Governor of a State. The agreement transfers to the State licensing and regulatory control of certain byproduct, source, and special nuclear materials. Transfer of this control depends upon an evaluation and acceptance by the Commission of the State's competence to administer a licensing and regulatory program.

Paragraph (1), section 71-3509 of the 1963 Radiation Control Act, authorizes the Governor of Nebraska to enter into the agreement. The Act makes the Department of Health responsible for public health and safety matters of ionizing radiation. The Department is authorized by the Act to develop rules and regulations for the safe use of radiation, registration of radiation sources, and licensing of radioactive materials in accordance with the agreement. The Act also authorizes a nine-member Radiation Advisory Council to the State Board of Health.

HISTORY

The Nebraska Department of Health has been engaged in radiological health since 1956 when public interest in fallout and X-ray exposures became significant. Until 1962, this program was an integral part of the Division of Laboratories, occupying the attention of at least one full-time technical employee. When funds were available, counting equipment and survey instruments were purchased. Personnel were given specialized training on the job or at courses offered by the U.S. Public Health Service and the U.S. Atomic Energy Commission.

On September 17, 1962, the State Board of Health created a separate Division of Radiological Health and transferred personnel from the Division of Laboratories to the newly created Division. This was done because the workload became significant, public interest was high in the health hazards associated with nuclear fallout and to take advantage of recently announced categorical funds from the U.S. Public Health Service.

During the period 1956-62 several hundred X-ray units had been physically inspected, a basic environmental surveillance capability established and various educational and assistance programs were inaugurated, especially in the area of radiological civil defense.

Until July 1964, the Director of Laboratories was Acting Director of the Division of Radiological Health. A permanent Director of Radiological Health was hired in July 1964, and subsequent staff vacancies were filled.

Early in 1964, safety inspections of dental X-ray machines began using the Dental Surpak method. By August of 1965 virtually all dental machines had been surveyed at least once. Correction of machine deficiencies was carried out as soon as results of the survey were obtained. Although some physical X-ray inspections of medical and industrial units had been carried out in the past, a concentrated effort to inspect all such sources in the State began in July 1965.

The environmental surveillance program has been strengthened and refined by acquiring low background gamma spectrum analysis equipment and establishing a statewide milk sampling network. The functional counting and survey equipment inventory is valued at \$32,000.

LICENSING AND REGISTRATION

The State program will control all sources of ionizing radiation except those sources for which regulatory control has been retained by the U.S. Atomic Energy Commission.

Nebraska's Radiological Health Regulations have been developed in accordance with recommendations of the Radiation Advisory Council, U.S. Public Health Service, U.S. Atomic Energy Commission, and the Council of State Governments. Licensing and registration requirements will become effective on the effective date of the AEC-Nebraska Agreement.

Registration is required for radiation producing equipment; radium, radon, other naturally occurring and accelerator-produced radioactive materials of nonexempt quantities and types.

Section 71-3512 of the 1963 Radiation Control Act exempts hospitals and related institutions from the requirements of registration. However, information on sources of radiation is available to the radiation control program from applications for operating licenses issued by the Department which are renewed annually. Hospitals and related institutions are not exempt from the licensing requirements of the Act and Radiological Health Regulations.

Provisions have been made for the issuance of both specific and general licenses for byproduct, source, and special nuclear materials. Specific licenses will be issued to authorize receipt, use, possession, transfer or disposal of radioactive materials not exempted or generally licensed by the Department.

The licensing program will be essentially identical to that presently used by the U.S. Atomic Energy Commission. Applications for specific licenses will be reviewed and approved or disapproved by the Director, Division of Radiological Health. Prelicensing inspections will be made when necessary. Qualified members of the Radiation Advisory Council will be called upon for advice and assistance in evaluation of license applications for human use of licensed radioactive material when the proposed use is non-routine. Other consultants may be named by the Board of Health as needed for unusual circumstances.

The signature of the Director, Division of Radiological Health, will be required on all specific licenses issued. Specific licenses for human use of radioactive material will also require the signature of the Director of Health.

INSPECTION

Periodic inspections will be conducted to determine a licensee's or registrant's degree of compliance with regulations and license conditions. These inspections will be performed by personnel of the Division of Radiological Health who are qualified to evaluate radiological health hazards and are conversant with the regulations.

Most inspections will be unannounced. The following frequency is planned but may be increased or decreased depending on individual circumstances:

- Waste Disposal Operations—once each 4 months;
- Industrial Radiographers—once each 12 months;
- Broad Licenses—Industrial, Medical, Academic—once each 12 months;
- Specific Licenses—Industrial, Medical, Academic—once each 24 months; and
- Others—based on the hazards associated with the program.

Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission.

At the end of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting recommendations or suggestions. During this meeting he will also answer questions on the regulatory program.

The inspector will submit a written report to the Director, Division of Radiological

Health, on the results of each inspection. The report will enumerate items of non-compliance and, if any, include recommendations. Recommendations made by inspectors in the field are subject to critical review by senior members of the Division of Radiological Health.

Licensees are to be informed of any items of noncompliance observed during each inspection by letter from the Department after the inspection if items of noncompliance are of a more serious nature or by notice at the time of inspection if the items of noncompliance are only minor.

COMPLIANCE

If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing at the time of inspection to correct, no further action will be taken by the Department. Any corrective action taken by the licensee will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the Department based upon the degree of the hazard involved. The licensee will be required to inform the Department in writing at the end of the specified time period, usually 15 to 30 days, as to the corrective action he has taken. The Department will conduct a followup inspection or the matter will be reviewed during the next regular inspection to determine that the corrective action has been accomplished.

ENFORCEMENT

When, in the judgment of the Department, a person is engaged or about to engage in any act or practice in violation of the Radiation Control Act or the Radiological Health Regulations issued under the Act, the Nebraska Attorney General, or any county attorney, at the request of the Department, may make application to the district court for an order enjoining such act or practice or to direct compliance.

Should the Department determine that an emergency exists affecting the public health and safety, it has the authority to issue an order or regulation, effective immediately, to meet the emergency and to impound sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations issued under the Act.

The Act also provides an opportunity for any person to whom an emergency order or regulation is directed to file an application, to the Department of Health for a hearing not less than 15 days nor more than 30 days after the filing of such an application. The Health Department shall, within 30 days after such hearing and on the basis of the hearing, continue, modify or revoke an order or regulation and mail the applicant a copy of its findings of fact and determination.

In accordance with section 3.12 of the Radiological Health Regulations, the terms of all Radioactive Material Licenses are subject to amendment, revision or modification. By order of the Director of Health, the Department may suspend, revoke or modify any

license because of amendment to the Radiation Control Act; changes in or additions to the regulations on orders of the Department; false statements by the applicant for a license; and violations of or failure to observe the rules, regulations or orders of the Department of Health.

Section 71-3517 of the Act provides penalties, upon conviction, by fine for those persons who violate provisions of the Act or rules and regulations issued thereunder.

The full legal procedures will normally be used only in those instances where there is continued noncompliance after notice, deliberate and willful negligence on the part of a licensee or registrant or where a serious potential hazard exists.

RECIPROCITY AND COMPATIBILITY

The Nebraska Radiological Health Regulations provide for reciprocal recognition of licenses issued by the U.S. Atomic Energy Commission or any Agreement State. These regulations are consistent with those of the U.S. Atomic Energy Commission and, as far as possible, with other "Agreement" state regulations.

STAFFING AND DELEGATION OF AUTHORITY

The State of Nebraska Department of Health is responsible for administering provisions of the Radiation Control Act. The accompanying organization chart illustrates the lines of authority within the State.

The eight members of the State Board of Health are appointed by the Governor and administer the Department of Health. E. A. Rogers, M.D., M.P.H., Director of Health, conducts the affairs of the Department during the intervals between the Board meetings. Heinz G. Wilms, M.S., Director of Radiological Health, is responsible to the Director of Health and presents a periodic and annual report to the Board of Health. The Director of Radiological Health also acts as executive secretary of the Radiation Advisory Council to the Board of Health.

The Radiation Advisory Council consists of nine members appointed by the Governor. Council members represent the fields of (a) radiology, (b) medicine, exclusive of radiology, (c) health physics, (d) law, (e) agriculture, (f) labor, (g) industry, (h) dentistry, and (i) chiropractic, osteopathy or podiatry. The Council provides valuable advice to the Department of Health on policy and technical matters relating to the use and regulation of sources of ionizing radiation.

The Director of Radiological Health has technical and administrative supervision of the Radiological Health program.

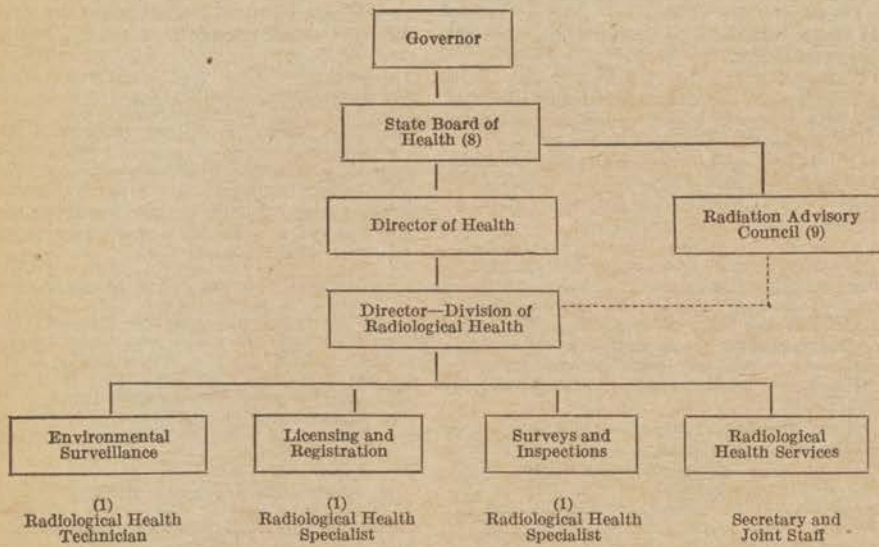
Radiological Health Specialists assist the Director in license application evaluations and issuance of specific licenses. Specialists also conduct and supervise licensee compliance inspections. Radiological Health Inspectors can conduct compliance inspections under supervision of a Specialist.

Newly employed Specialists and Inspectors will assume duties in licensee inspection after receiving training in broad aspects of the State's Radiological Health Program.

Persons hired to replace current personnel will be required to have equivalent capabilities in radiological health before conducting license application review or licensee inspections.

STATE OF NEBRASKA, DEPARTMENT OF HEALTH, DIVISION OF RADIOLOGICAL HEALTH

ORGANIZATION AND ACTIVITIES CHART



HEINZ G. WILMS, B.S., M.S.

DIRECTOR, DIVISION OF RADIOLOGICAL HEALTH

EDUCATION

B.A. in Physics, Westmar College, LeMars, Iowa, 1960; M.S. in Radiological Science, University of Washington, Seattle, 1962; AEC Health Physics Fellowship, 1960-1962; Radiation Protection Course, Hanford Atomic Products Operation, Richland, Wash., Summer, 1961; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., September, 1965; Radium Hazards and Control (1 week), USPHS, Montgomery, Ala., December 1965.

EXPERIENCE

1962-1963—Health Physicist for U.S. Geological Survey, Denver, Colo. Responsible for total radiation safety and licensing program of the USGS. Radiation usage included 1 and 10 curies Pu-be neutron sources; radium and cobalt-60 gamma sources for gamma well logging and instrument calibration; soil moisture and density probes using neutron sources; Antimony 124 used in beryllium exploration and quantitative analysis (50 mc and 1 curie respectively); uranium ores, fission product samples and various isotopes for radiochemical analyses; conducted leak tests and radiation surveys and prepared radiation protection procedures and kept inventories of radioactive material. Also was Bureau Safety Officer for USGS.

1963-1964—Health Physicist-Engineer A—Pan American World Airways, Nuclear Rocket Development Station, Nev. Supervisor in Radiation Services Department of PAA. In charge of industrial radiography, assisted in reactor power test radiation safety support in reentry procedures, special nuclear materials Accountability Officer and performed staff functions including preparation of rad-safe procedures.

1964-Present—Director, Division of Radiological Health, in charge of State radiological health program encompassing X-ray inspections; radioactive materials control, preparation of Radiological Health Regulations and overall charge of licensing and registration program. Has accompanied AEC inspector during routine inspections of licensees in Nebraska since 1964.

ORLEN N. JOHNSON, B.S., D.D.S., M.S.

RADIOLOGICAL HEALTH SPECIALIST I

EDUCATION

B.S., University of Minnesota, 1957; D.D.S., University of Minnesota, 1959; M.S., Major in Radiological Health, Wayne State University, Detroit, Mich., 1964; Basic Radiological Health (2 weeks), USPHS, Rockville, Md., May 1962; Medical X-ray Protection (2 weeks), USPHS, Rockville, Md., October 1964; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965-1966; Radium Hazards and Control (1 week), USPHS, Montgomery, Ala., December 1965; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., March 1966.

EXPERIENCE

1964-1965—Director, Professional Education, Dental X-ray Program, State Assistance Branch, Division of Radiological Health, U.S. Public Health Service, Rockville, Md.; most important duties consisted of investigating and promoting educational materials on radiation hygiene for incorporation into dental education; planning and developing educational materials, such as pamphlets, displays, brochures, table clinics, and movies; participating in speaking engagements and educational presentations; working with State health departments, the American Dental Association, dental schools, and dental societies to develop radiological health educational programs for teachers of oral roentgenology, dental students and practicing dentists.

August 1965 to present—Radiological Health Specialist, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr., (PHS State Assignee); in charge of radium inspection, registration and assists in X-ray inspections and environmental surveillance; has accompanied AEC inspector during routine compliance inspections at licensee locations in Nebraska since 1965; has assisted in preparation of the Radiological Health Regulations; will assist Director in licensee inspections after effective date of Agreement until sufficient experience has been obtained to conduct inspections alone; will assist Director in evaluation of license applications.

H. ELLIS SIMMONS, B.S., M. of S.S. AND P.H.

RADIOLOGICAL HEALTH SPECIALIST I

EDUCATION

B.S. in Biological Science, Kansas State Teachers College, Emporia, Kans., 1952; Master of Sanitary Science and Public Health, Major in Radiological Health, Oklahoma University, Norman, Okla., 1964; Medical X-ray Protection (2 weeks), USPHS, Rockville, Md., May 1965; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965-1966; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., March 1966.

EXPERIENCE

1954-1965—Public Health Environmental Sanitarian, Omaha-Douglas County Health Department, Omaha, Nebr.; 10 years experience in environmental sanitation; supervisor of milk sanitation program; given responsibility for development of an air pollution program.

March 1965-Present—Radiological Health Specialist, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr.; in charge of and conducts X-ray inspection of medical, dental, industrial, veterinarian facilities; assists in radium surveys, environmental surveillance and registration; assisted in preparation of Radiological Health Regulations; accompanied AEC inspectors during routine compliance inspections of licensed facilities in Nebraska since 1965; will assist Director in license inspection after effective date of Agreement until he has sufficient experience to conduct inspections alone; will assist Director in evaluation of license applications.

EDWARD R. WILLIAMS

RADIOLOGICAL HEALTH TECHNICIAN

EDUCATION

113 hours college credit toward B.S. in Chemistry, University of Nebraska; X-ray-Lab Technician training, U.S. Army (Autumn, 1953); Course in Industrial Uses of Isotopes (two semesters, 1961), University of Omaha, Omaha, Nebr.; 1 week state conference on radiological health, USPHS, Las Vegas, Nev., May 1960; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., September 1963; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965-1966.

EXPERIENCE

1958-Present—Radiological Health Technician, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr.; work included activation analysis experiments at Omaha Veterans Administration Hospital, Omaha, Nebr., during a period of about 1½ years. Performs analysis of environmental surveillance samples (air, precipitation, water, and milk). Assists in X-ray surveys. Has accompanied AEC inspector during routine compliance inspections of licensed facilities in Nebraska since 1961. He will assist Director in licensee inspections after effective date of Agreement. When promoted to Inspector after obtaining degree and sufficient experience, he will be able to conduct licensee inspections alone, limited to facilities of a low priority nature. Subsequent experience and training will permit advancement to Specialist with increased responsibility and completion in licensee inspections.

[F.R. Doc. 66-7375; Filed, July 5, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16967]

DENVER-ASPEN SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 17, 1966, at 10 a.m., local time, at the Aspen Institute, Four Seasons Building, Aspen Meadows Complex, 25 Meadows Road, Aspen, Colo., before Examiner Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on May 9, 1966, and Supplemental Prehearing Conference Report served on May 27, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 7, 1966.

[SEAL]

ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66-7601; Filed, July 12, 1966; 8:47 a.m.]

[Docket No. 17155]

HAWTHORNE-LOS ANGELES SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 23, 1966, at 10 a.m., local time, in the Conference Room, Burbank Chamber of Commerce, 200 West Magnolia Boulevard, Burbank, Calif., before Examiner Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on May 11, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 7, 1966.

[SEAL]

ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66-7602; Filed, July 12, 1966; 8:47 a.m.]

[Docket No. 15381; Order No. E-23916]

LATIN AMERICAN SERVICE MAIL RATE PROCEEDING

Order Establishing Standard Mileages

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1966.

On May 31, 1966, the Board issued an order establishing final service mail rates

for the Latin American services of Braniff Airways, Inc., Delta Air Lines, Inc., Pan American-Grace Airways, Inc., Pan American World Airways, Inc., and Mackey Airlines, Inc. (Order E-23753). No standard mileages were established by that Order and it was provided that an Appendix thereto would be published to establish standard mileages to be applicable beginning July 1, 1966.

By letter dated June 27, 1966, the Post Office Department forwarded a list of standard mileages for Latin American mail services which had been submitted to and accepted by the air carriers identified above.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

The standard mileage to be used to compute service mail pay between each pair of points for the transportation of mail by aircraft over routes described in Order E-23753 (May 31, 1966) shall be as set forth in Appendix A' to this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HAROLD R. SANDERSON,

Secretary.

[F.R. Doc. 66-7603; Filed, July 12, 1966; 8:47 a.m.]

[Order No. E-23926; Docket 17493]

BRANIFF AIRWAYS, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of July 1966.

By telegraphic filing Braniff Airways, Inc. (Braniff), requests an immediate emergency exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), and § 302.410 of the Board's rules, to (1) originate and terminate at Miami Braniff flights which are required to serve New York as part of the Braniff-Eastern Air Lines, Inc. (Eastern), interchange service and (2) serve New York as a terminal point on nonstop flights operated between New York, on the one hand, and Balboa, Canal Zone; Bogota, Colombia; and Lima, Peru, on the other hand, under Braniff-Eastern overflight exemption authority conducted pursuant to Order E-23267, adopted February 17, 1966.

Braniff alleges that the authority requested will permit it to maintain existing services operated in conjunction with Eastern which, because of the present strike, would have to be canceled; and that the authority will not interfere with Eastern's pending labor negotiations. Braniff further states that limitations in its current certificate and exemption authority are an undue burden by reason of the strike, and will adversely affect the U.S. traveling public and the U.S. balance of payments.

¹ Filed as part of the original document.

The Board has concluded that Braniff's request should be granted pending the settlement of the Eastern strike.

Although Braniff is not itself on strike, and although Braniff is ready, willing, and able to continue to provide the single-plane and nonstop service which it now offers in conjunction with Eastern between New York and Miami, on the one hand, and Balboa, C.Z., and various points in South America, on the other hand, the Eastern strike will cause an abrupt cancellation of this service unless Braniff is relieved of certain restrictions in its certificate and exemption authority. Under these circumstances it found that it is not in the public interest to allow this intercontinental service to cease operations, and that the Eastern strike constitutes an undue burden on Braniff by reason of unusual circumstances affecting its operations. Accordingly, Braniff will be exempted, pursuant to section 416(b) of the Act, from the requirements of section 401 of the Act and the term of its certificate for Route FAM-34 which provides that Braniff flights serving Miami shall also serve New York over the route of Eastern; Braniff will be relieved of similar restrictions in its nonstop Miami-Bogota and Miami-Lima exemption authority and we will permit Braniff to operate nonstop between New York, on the one hand, and Bogota, Balboa, and Lima, on the other, by modifying the exemption authority under which it participates in the operation of these services with Eastern.

Accordingly, it is ordered, That:

1. Braniff be, and it hereby is, exempted from section 401 of the Act and Condition 6 of its certificate of public convenience and necessity for Route FAM-34 insofar as said section and condition would otherwise preclude Braniff from originating or terminating flights at Miami;

2. Notwithstanding the limitations in Order E-20248, December 10, 1963, Braniff may originate or terminate the flights authorized therein at Miami;

3. Notwithstanding the limitations in Order E-23267, February 17, 1966, Braniff may originate or terminate all flights serving Miami at Miami; and may operate nonstop between New York and Balboa, New York and Bogota, and New York and Lima, and continue such flights beyond the southern terminal in accordance with its certificate authority;

4. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until further order of the Board; and

5. Petitions for review of this order will not stay the effective date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HAROLD R. SANDERSON,

Secretary.

[F.R. Doc. 66-7660; Filed, July 12, 1966; 8:49 a.m.]

[Order No. E-23928; Docket 17498]

EMERGENCY AIR TRANSPORTATION REQUIREMENTS**Order Granting Exemptions**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of July 1966.

Effective 6 a.m., e.d.t., July 8, 1966, the International Association of Machinists (IAM) struck United, Eastern, National, TWA, and Northwest.¹ This strike has created an emergency situation of major proportions. The five trunkline carriers handle well over one-half of the nation's domestic passenger traffic—approximately 85 million passengers during 1965—and collectively they serve over 230 important cities, over 70 of which are left completely without trunkline service as a result of this strike. Manifestly, a shutdown of service of this magnitude will work substantial hardship on the public. Also, as the President has stated, the work stoppage could bring a disruption of the movement of "men and materials needed to support our commitments to freedom's cause throughout the world."² Under these circumstances, we must consider what appropriate action the Board can take to assist the public during this major disruption of service.

The Board has had discussions with the struck carriers with reference to the relief which might be granted to other carriers to provide additional service during the emergency. It was argued that the procedures of the Railway Labor Act have now been exhausted; that a strike has now occurred; and that the parties should be left to the normal interplay of the economic forces that will be operative. It is claimed that any action by the Board to authorize new services by the nonstruck carriers in substitution for the services of the struck carriers would constitute an improper intervention by the Board in the controversy. In addition, the objecting carriers argue that the Board is without legal power to grant additional authority by way of exemption to relieve the emergency transportation.

Clearly the Board has no intention of intervening in the labor controversy, either directly or indirectly. Our sole concern here is to take action to alleviate the great public inconvenience and burden that will be inevitably suffered from a strike of this wide scope. We are not acting here to authorize air carriers to operate extensively outside the area of their route systems. Nor do we expect that the emergency authorizations we are granting will be successful in overcoming the great bulk of the public inconvenience that will flow from the strike. Therefore, our action herein can have only a negligible effect, if any, upon the basic economic forces which will be operative upon management and labor during the course of the strike.

¹ Carriers' common names are used throughout.

² Although the military contract operations have not been disturbed, substantial volumes of military traffic are carried on the normal commercial services of the carriers.

In essence, therefore, we must reject the claim that our action herein constitutes intervention into the labor controversy or that it operates in favor of one side against the other.³

We recognize that the emergency here involved has prevented us from following the normal procedures employed in exemption matters. However, we have, through direct communication with the carriers involved and through informal conference procedures afforded the struck carriers an opportunity to express their views. In recognition, however, of the fact that the carriers have not heretofore had specific notice of the precise authorizations under consideration, we believe it would be appropriate to provide in our order that within 5 days after its issuance, interested parties will be afforded the opportunity to present their views orally before the Board.

Little need be said to establish that the authorizations granted herein conform to the undue burden and public interest provisions of section 416(b) of the Act. Obviously it is impossible to hold a certificate proceeding in these circumstances. It is clear that the tremendous service burdens being placed upon the nonstruck carriers will create untold operational and managerial problems that will require the greatest of flexibility to maintain suitable services to the public. It would be incongruous for us to construe our authority under 416(b) so narrowly as to preclude the Board from taking any effective action to help relieve the serious public inconvenience occasioned by a strike of this magnitude.

In assessing the action we might take, the Board has held informal meetings with representatives of the nonstruck carriers, the local service carriers, the trunklines, the cargo carriers, and the supplemental carriers. From these discussions, it appears that virtually every carrier is so heavily committed to its commercial and military business as to leave relatively little in the way of equipment or crews for service outside of their normal service pattern. The local service carriers have indicated that with a relaxation in their route restrictions, they will be able to improve their services, particularly in terminal to terminal markets where struck carriers have provided the major capacity. The trunk carriers have indicated only a limited ability to provide additional services, but are willing to augment their services with equipment and/or crews leased from other sources. The supplemental carriers, while having some equipment and crew time, were unable to suggest how they could directly employ them in individually ticketed services; they did note their ability to provide additional capacity

³ See Order E-16419, dated Feb. 22, 1961, in which the Board said: "Moreover, the limited nature of the service to be provided in relation to the extent of the schedules canceled avoids any raising of the shibboleth of whether this action constitutes an intervention by the Board on the side of either party to a labor-management dispute. In short, the Board does not believe that this limited action will disturb the play of normal economic forces in the labor dispute."

ity for charters to other carriers, and for the carriage on military and commercial charters of pickup cargo and mail. The cargo carriers are apparently fully committed in their resources.⁴

In the light of this situation, we deem it necessary to grant wide latitude to the nonstruck carriers to engage in discussions,⁵ operations, and arrangements which will permit the best utilization possible of the limited facilities and personnel available for meeting the means of the traveling public in this emergency.

First, we shall exempt all of the nonstruck certificated combination air carriers from sections 401 and 403 of the Act as well as from the terms, limitations, and conditions of their certificates to the extent necessary to permit them to provide without regard to their linear route description or any other operating restrictions, unrestricted service between any pair of points on their respective systems between which a struck carrier or carriers, either individually or collectively, provided 25 percent or more of the scheduled flights as of July 1, 1966.⁶ We shall exempt local service carriers to permit them to reduce services in all of their markets without regard to certificate restrictions in order to free equipment for operation on the struck routes.

We realize that it might be necessary for the exempted carriers to cut back service in some markets in order to insure that a minimum amount of service is provided in other markets previously served by the struck carriers.⁷ However, such short-term inconvenience is clearly warranted in order to offer some measure of relief to the many passengers who might otherwise be left without any air service.

It appears that the ability of the certificated combination carriers to implement the exemptions herein granted may be limited by lack of standby crewtime and equipment. Therefore, during the interim emergency period we shall also permit the supplemental carriers to utilize available space on charter flights for individually waybilled cargo air service. In addition, we will permit the supplemental air carriers to wet-lease aircraft to certificated combination air

⁴ So far as we are aware, there is little need for us to take action necessary to permit an enlarged contribution on the part of air taxi operators.

⁵ See Order E-23929 issued contemporaneously herewith.

⁶ The authority granted herein is intended to consider the broad transportation needs of the country during the strike emergency. Undoubtedly, special circumstances will arise which are not covered by this authority. The Board will treat in an expeditious manner applications for specific authority to provide such service which it considers in the public interest.

⁷ In addition such tailoring of services will require cooperation and discussions between the operating carriers to achieve the most effective pattern of service possible. In a concurrent order (Order E-23929) we are authorizing the carriers to conduct such discussions.

carriers during the emergency period.* We shall also permit the supplemental carriers to provide service for the certificated carriers' overflow by carrying individually ticketed passengers holding tickets issued by certificated combination carriers under specific arrangements with such carriers.

Because the emergency nature of this situation does not allow time for the preparation and filing of tariffs, nor any new service being authorized herein, the exemption for the supplementals extends to section 403 of the Act, provided that the rates charged are equal to those currently in effect for the struck carriers or competing carriers for the same classes of services.

In addition to the scheduled passenger, property and mail service, the five struck carriers have undoubtedly contracted to perform many charter flights. The sudden abandonment of such contracts could work substantial hardship on significant numbers of passengers many of whom cannot otherwise afford to use air transportation for their trips. Accordingly, we find it is in the public interest to exempt all certificated combination air carriers and all supplemental air carriers from the provisions of Title IV of the Act and the applicable Board regulations to the extent that they would otherwise prevent the carriers from contracting to perform the existing charter contracts of the struck carriers at the price of the existing contract or the operating carrier's established tariff. Within the terms of this exemption, carriers will be permitted to perform such passenger charters without regard to the limitations of Part 207 of the Board's Regulations.

Due to the short-term nature of the exemption herein granted, and limitations imposed by employee and equipment availability, any service performed by subsidy-eligible carriers will entail only out-of-pocket or added costs, and hence we are limiting the exemption authority by the condition that operations pursuant to these exemptions shall be conducted on a nonsubsidy basis.

On the basis of the facts and circumstances set forth above, the Board finds that enforcement of Title IV of the Act, the applicable Board regulations thereunder and terms, limitations and conditions of the carriers' certificates insofar as they would prevent provision of the services described herein would be an undue burden upon the classes of air carriers named herein by reason of the limited extent of and the unusual circumstances affecting their operations and is not in the public interest.

Accordingly, it is ordered, that:

1. All certificated combination route air carriers be and they hereby are exempted from Title IV of the Federal Aviation Act, the applicable Board regulations, and the terms, conditions, and limitations of their certificates to the

extent necessary to permit them to provide unrestricted services between any pair of points on their respective systems as to which United, Eastern, TWA, National, and Northwest, either individually or collectively, provided 25 percent or more of the total scheduled flights as of July 1, 1966, provided that the rates or fares to be charged are equal to those currently in effect for the aforementioned struck carriers or competing carrier for the same type of service;

2. All local service carriers be and they hereby are exempted from Title IV of the Federal Aviation Act, the applicable Board Regulations and the terms, conditions, and limitations of their certificates, to the extent necessary to permit them to reduce but not suspend scheduled services without regard to restrictions contained in their certificates, or the linear route descriptions contained therein;

3. All supplemental carriers be and they hereby are exempted from Title IV of the Act, the applicable provisions of the Board's Regulations, and the terms, conditions, and limitations of their certificates to the extent necessary to permit them to—

(a) Provide individually ticketed passenger services, provided that the passengers involved hold tickets issued by a certificated combination route air carrier for authorized transportation over its route, at the fares currently in effect pursuant to the tariff of such route air carriers or competing carriers for the same type of service and under specific arrangements with such carriers;

(b) Utilize available space on commercial charters and flights for the Military Establishment for individually way-billed cargo services at the rates presently in effect under any tariff of any certificated route air carrier; and

(c) Wet-lease aircraft to certificated air carriers;

4. All certificated combination route air carriers and supplemental air carriers be and they hereby are exempted from the provisions of Title IV of the Act and the applicable Board regulations to the extent necessary to permit any such carriers to fulfill existing charter contracts of any one of the five struck carriers at the contract price or the operating carrier's established tariff;

5. This order shall be effective immediately and shall continue in effect until further order of the Board;

6. Services performed pursuant to exemptions granted by this order by any air carrier otherwise eligible for subsidy payments under section 406 of the Act are subject to the condition that such services shall not be subsidized and mail payments therefor—if any—shall be limited to the service mail rate to be paid entirely by the Postmaster General under section 406(c) of the Act;*

*With respect to services performed by local service carriers, the upward ad hoc provision of Order E-23850 (sec. I, p. 7) shall obviously be inoperative as regards services performed by such carriers pursuant to the exemptions granted by this order.

7. Authority is hereby delegated to the Director of the Board's Bureau of Operating Rights to act for the Board on requests by any carrier for temporary suspensions of service during the pendency of the strike emergency; petitions for review of any such actions shall not stay the effective date thereof;

8. All air carriers providing services pursuant to the authority granted by this order shall within 30 days after cessation of operations hereunder file with the Board's Bureau of Accounts and Statistics an original and five copies of a report showing the number of flights and aircraft miles performed, by each aircraft type, pursuant to this order and the volume of traffic enplaned, by stations, passenger miles, revenue ton-miles and revenues related to each class of traffic carried by each aircraft type;

9. Any interested persons objecting to any provisions of this order will be afforded an opportunity to present their objections orally to the Board, 5 days from the date of this order; and as a result of such objections, if any, the Board will make such modifications or amendments to this order as are deemed appropriate;

10. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing; and

11. This order shall be served on all air carriers, the Post Office Department, and Federal Aviation Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7661; Filed, July 12, 1966; 8:49 a.m.]

[Order No. E-23927; Docket-17495]

PAN AMERICAN-GRACE AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of July 1966.

By a joint telegraphic filing Pan American-Grace Airways, Inc. (Panagra), and Pan American World Airways, Inc. (Pan American), request an immediate emergency exemption to permit the continuation of single-plane service now provided as an interchange service by these carriers and National Airlines, Inc. (National), between New York, on the one hand, and Balboa, C.Z., and points on the system of Panagra in South America, on the other, via Miami. The exemption is requested pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), and § 302.410 of the Board's rules. The applicants also request the approval, pursuant to section 412 of the Act, of a new supplement to the Through Flight Agreement between them to permit such service to be operated. It is requested that the author-

*We have not been authorizing additional authority for cargo carriers in view of the fact that they have not as yet advised us of any capability to provide such additional service during this emergency.

ity be effective until the strike affecting National is settled.

Panagra and Pan American allege that unless the authority requested is granted, service between New York and points on Panagra's system will be terminated.

Because of the National strike, and based on the allegations of Panagra and Pan American, the Board will grant the authority requested insofar as it involves the continuation of New York flights via Miami to Balboa and other points on Panagra's system pending the settlement of the strike.¹ In view of the fact that both National and Eastern have ceased operations between New York and Miami, the interchange flights authorized herein shall also be permitted to carry local New York-Miami traffic.

Accordingly, the Board will exempt Pan American and Panagra, pursuant to section 416(b) of the Act, from the provisions of Title IV of the Act, and the certificate authority held by each carrier, insofar as such provisions and certificate authority would preclude them from operating in accordance with the authority granted herein. Enforcement of Title IV and the provisions of the said certificates would be an undue burden on Panagra and Pan American by reason of unusual circumstances affecting their operations and would not be in the public interest. Supplement No. 30 will be approved under section 412 of the Act as not adverse to the public interest. Accordingly, it is ordered:

1. That Panagra and Pan American be, and hereby are, exempted from Title IV of the Act and the provisions of the certificates of public convenience and necessity of each carrier insofar as said Title and such provisions would preclude—

(a) The operation of single-plane service between New York and Balboa and points south thereof on the system of Panagra via Miami by interchange of aircraft;

(b) The operation of single-plane service originating or terminating at Miami and operated between Miami and Lima or Balboa and points south thereof on the system of Panagra by interchange of aircraft; and

(c) The carriage of local traffic between New York and Miami on flights authorized in (a) above.

2. That operations described above may be conducted notwithstanding limitations in any outstanding exemption order and Board approved agreement which would otherwise preclude such operations;

3. That Supplement No. 30 to the Through Flight Agreement (Agreement CAB No. 727) is approved to the extent not inconsistent with the exemption authority set forth in (1) above;

4. That exemption authority granted and the agreement approved herein shall be effective on the date of issuance of this order and shall continue in effect until further order of the Board; and

¹ We rely on, and will not repeat herein, our findings in various other emergency exemption orders issued contemporaneously herewith.

5. That petitions for review of this order will not stay the effective date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7662; Filed, July 12, 1966;
8:49 a.m.]

[Docket 15619 etc.]

LAWRENCEVILLE, ILL./VINCENNES,
IND., KANKAKEE, ILL.

Postponement of Further Prehearing Conference

In view of the curtailment of airline service during the strike now in effect, the further prehearing conference in the subject proceeding heretofore assigned for July 13, 1966, is postponed to a date to be assigned hereafter.

Dated at Washington, D.C., July 11, 1966.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 66-7663; Filed, July 12, 1966;
8:49 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 707]

DEPUTY GOVERNOR ET AL.

Authorization To Authenticate Documents, Certify Official Records, and Affix Seal

1. H. T. Mason, Deputy Governor, Helen E. McWilliams, Secretary to the Governor, Mildred R. Ireland, Secretary to the Deputy Governor, D. Elizabeth Frew, Legal Assistant and Secretary to the General Counsel, and Dorothy P. Smith, Clerk-Stenographer, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective July 1, 1966, and on that date

shall supersede Farm Credit Administration Order No. 698, dated April 1, 1964, 29 F.R. 4925.

R. B. TOOTELL,
Governor,

Farm Credit Administration.

[F.R. Doc. 66-7589; Filed, July 12, 1966;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16536, 16537; FCC 66M-942]

GORDON SHERMAN AND OMICRON TELEVISION CORP.

Order Continuing Hearing

In re applications of Gordon Sherman, Orlando, Fla., Docket No. 16536, File No. BPCT-3529; Omicron Television Corp., Orlando, Fla., Docket No. 16537, File No. BPCT-3596; for construction permit for new television broadcast station (Channel 35).

The Hearing Examiner having under consideration a "Joint Request for Continuance" filed by the applicants on July 6, 1966, and

It appearing, that the applicants have petitioned the Review Board for a dismissal of the Gordon Sherman application and the approval of a settlement agreement, and

It further appearing, that the Broadcast Bureau will not object to a reasonable continuance of the hearing now scheduled for July 12, 1966,

It is ordered, This 7th day of July 1966, that the aforesaid petition is granted and, accordingly, the hearing now scheduled for July 12, 1966, is rescheduled to commence at 10 a.m., September 12, 1966, in the Commission's offices in Washington, D.C., and the further hearing heretofore scheduled for September 12, 1966, for the taking of testimony is canceled.

Released: July 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7596; Filed, July 12, 1966;
8:46 a.m.]

[Docket Nos. 16609-16611; FCC 66M-944]

NORTHWEST BROADCASTERS, INC. (KBVU), ET AL.

Order Continuing Hearing

In re applications of Northwest Broadcasters, Inc. (KBVU), Bellevue, Wash., Docket No. 16609, File No. BR-4369; for renewal of license of station KBVU; F. Kemper Freeman, Elwell C. Case, and Mrs. Florence G. Hayes, doing business as Bellevue Broadcasters (KFKF), Bellevue, Wash., Docket No. 16610, File No. BP-17059; for construction permit; Northwest Broadcasters, Inc. (KBVU), (Assignor), Sunshine Broadcasting Co., (Assignee), Docket No. 16611, File No.

BAL-5521; for assignment of license of station KBVU.

Informal hearing conference was held today at the request of applicant Bellevue Broadcasters to consider the implications of the recently defined circumstance that counsel for Northwest Broadcasters have withdrawn and that the renewal applicant is without representation. Bellevue Broadcasters moved to continue the hearing and was supported by intervenor Chem-Air, Inc., both contending for the proposition that Northwest Broadcasters be given time to make new arrangements for participation in the proceeding. Counsel for Sunshine Broadcasting opposed any continuance, indicating its willingness and preference for going forward on the now-scheduled date.

A modest postponement at this stage of the proceeding will have little impact, and has attraction for limiting the validity of later contention that fair trial was diminished by the last-minute development. The commencement of the hearing is, therefore, put over for a week and will now get under way on July 20, 1966, in order to accommodate any problems which have developed for Northwest Broadcasters from the withdrawal of its counsel. Northwest is expected to make its choices or any new arrangements for participation in this proceeding, and by the close of business on Friday, July 15, to tell all participants of its plans. Arrangements have been made for serving a copy of this order upon Northwest.

So ordered, This 8th day of July 1966.

Released: July 8, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7597; Filed, July 12, 1966;
8:46 a.m.]

[Docket No. 16125; FCC 66M-943]

TINKER, INC.

Memorandum Opinion and Order Continuing Hearing

In the matter of revocation of the license of Tinker, Inc., for standard broadcast station WEKY, Richmond, Ky., Docket No. 16125.

1. On July 7, 1966, the Review Board released an order staying hearing sessions herein until 20 days after the Commission shall act upon certain pleadings now before it. The effect of the Board's order is to set aside and continue the present hearing schedule, since the date now set for the commencement of hearing would fall within the 20 day prohibition even if Commission action should be immediately forthcoming.

2. The Hearing Examiner is required pursuant to 5 U.S.C. 4(a) to give due regard to the convenience and necessity of the parties and their representatives in fixing the time of hearing. It would be within neither the letter nor the spirit of this mandate to direct the

parties to hold themselves in immediate readiness for hearing for an indefinite and uncertain period of time. On the other hand, the public interest requires that this revocation proceeding be brought on for hearing at the earliest practicable date. The most satisfactory accommodation of these requirements lies in the reestablishment of a definite early hearing date, designed insofar as is feasible to fit the schedule of all the individuals involved. While future events may operate to bring such date within the Review Board's proscription, that is a possibility which should await the event, and the parties shall, in the meantime, treat the date herein established as firm.

Accordingly, it is ordered, This 7th day of July 1966, that the date for commencement of hearing herein is continued to October 4, 1966, in Richmond, Ky.

Released: July 8, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7598; Filed, July 12, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 8, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40601—Petroleum and petroleum products to southern territory. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2851), for interested rail carriers. Rates on petroleum and petroleum products, in carloads, and tank carloads, from Verona and West Elizabeth, Pa., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 92 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC A-1035.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7610; Filed, July 12, 1966;
8:48 a.m.]

[Notice 403]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 8, 1966.

The following letter-notices of proposals to operate over deviation routes

for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 7), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301; filed July 1, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Winchester, Va., to Roanoke, Va., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Winchester and Roanoke, over U.S. Highway 11.

No. MC 3379 (Deviation No. 8), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301; filed July 1, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Frederick, Md., over Interstate Highway 70S to Washington, D.C., thence over Interstate Highway 95 to Fredericksburg, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 224 to Deerfield, Ohio, thence over Alternate Ohio Highway 14 (formerly Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., thence over U.S. Highway 1 via Fredericksburg, Va., to Petersburg, Va., thence over U.S. Highway 460 to junction Virginia Highway 337 (formerly U.S. Highway 460), thence over city streets and connecting highways to Norfolk, Va., and return over the same route.

No. MC 35628 (Deviation No. 22), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502, filed June 27, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: (1) From Carlisle, Pa., over U.S. Highway 11 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 276, thence over Interstate Highway 276 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 95 and thence over Interstate Highway 95 to New York, N.Y., (2) from Youngstown, Ohio, over Interstate Highway 80 to New York, N.Y., (3) from Denver, Colo., over Interstate Highway 70 to Kansas City, Mo., (4) from Binghamton, N.Y., over Interstate Highway 81 to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension, to junction Interstate Highway 276, thence over Interstate Highway 276 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 95 and thence over Interstate Highway 95 to Newark, N.J., (5) from Philadelphia, Pa., over U.S. Highway 422 to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension to Scranton, Pa., (6) from Painesville, Ohio, over U.S. Highway 20 to junction over U.S. Highway 20 to junction Ohio Highway 91, thence over Ohio Highway 91 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 290, thence over Interstate Highway 290 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 18 and thence over Ohio Highway 18 to Medina, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows:

(1) From Carlisle, Pa., over U.S. Highway 11 to Harrisburg, thence over U.S. Highway 230 to Lancaster, thence over U.S. Highway 30 to Philadelphia and thence over U.S. Highway 1 to New York, N.Y., (2) from Youngstown, Ohio, over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, thence over U.S. Highway 230 to Lancaster, thence over U.S. Highway 30 to Philadelphia, and thence over U.S. Highway 1 to New York, N.Y., (3) from Denver, Colo., over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., thence over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 to Beatrice, Nebr., thence over Nebraska Highway 4 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka, Kans., and thence over U.S. Highway 24 to Kansas City, Mo., (4) from Binghamton, N.Y., over New York Highway 17 to the New York-New Jersey State

Line, thence over New Jersey Highway 17 to Newark, N.J., (5) from Philadelphia, Pa., over U.S. Highway 422 to Reading, Pa., thence over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Pottsville, thence over U.S. Highway 209 to Tamaqua, thence over U.S. Highway 309 to Wilkes-Barre, thence over unnumbered highway to Pittston and thence over U.S. Highway 11 to Scranton, Pa., (6) from Painesville, Ohio, over U.S. Highway 20 to Cleveland and thence over U.S. Highway 42 to Medina, Ohio, and return over the same routes.

No. MC 43925 (Deviation No. 2), BRANDT, INCORPORATED, 2323 Terminal Road, St. Paul, Minn. 55113, filed June 27, 1966. Carrier's representative: R. L. Stevens (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Sioux City, Iowa, and Omaha, Nebr., over Interstate Highways 29 and 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Sioux City, Iowa, over U.S. Highway 77 to Dakota City, Nebr., thence over Nebraska Highway 35 to Emerson, Nebr., thence over Nebraska Highway 9 to Pender, Nebr., (2) from Omaha, Nebr., over Nebraska Highway 130 to Waterloo, Nebr., thence over U.S. Highway 275 to West Point, Nebr., thence over Nebraska Highway 9 to Pender, Nebr., (3) from Oakland, Nebr., over Nebraska Highway 9 to West Point, Nebr., and (4) from Pender, Nebr., over Nebraska Highway 16 (formerly Nebraska Highway 92) to junction Nebraska Highway 51, thence over Nebraska Highway 51 to junction U.S. Highway 77, and return over the same routes.

No. MC 59194 (Deviation No. 2), EASTERN FREIGHT WAYS, INC., Moonachi Avenue, Carlstadt, N.J., filed June 27, 1966. Carrier's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Buffalo, N.Y., over Interstate Highway 190 to Niagara Falls, N.Y., (2) from Buffalo, N.Y. over Interstate Highway 90 to Ripley, N.Y., (3) from Lewiston, N.Y., over Interstate Highway 190 to Niagara Falls, N.Y., and (4) from junction Interstate Highways 190 and 290, over Interstate Highway 290 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 190, and return over the same routes, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over pertinent service routes as follows: (1) From Buffalo, N.Y., over U.S. Highway 62 to Niagara Falls, N.Y., (2) from Buffalo, N.Y., over New York Highway 384 to Niagara Falls, N.Y., (3) from Buffalo, N.Y., over U.S. Highway 62 to junction U.S. Highway 20, thence over U.S. High-

way 20 to Ripley, N.Y., and (4) from Rochester, N.Y., over New York Highway 18 to junction New York Highway 18F (formerly New York Highway 18), thence over New York Highway 18F to Lewiston, N.Y., and thence over New York Highway 18 to Niagara Falls, N.Y., and return over the same routes.

No. MC 70151 (Deviation No. 8), UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, Mich. 48209, filed June 29, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 280 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 199, thence over Ohio Highway 199 to Fostoria, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Toledo, Ohio, and Fostoria, Ohio, over U.S. Highway 23.

No. MC 71478 (Deviation No. 9), THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard, Tulsa, Okla. Applicant's representative: Carl V. Kretzinger, Suite 450, Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106; filed June 30, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Kansas City, Mo., over Interstate Highway 35 to junction Kansas Turnpike at or near Emporia, Kans., thence over Kansas Turnpike (Interstate Highway 35) to the Kansas-Oklahoma State line, thence over Interstate Highway 35 to Oklahoma City, Okla., and (2) from Kansas City, Mo., over Kansas Turnpike (Interstate Highway 70) to junction Interstate Highway 35 at or near Emporia, Kans., thence over Kansas Turnpike (Interstate Highway 35) to the Kansas-Oklahoma State line, thence over Interstate Highway 35 to Oklahoma City, Okla.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over city streets to Kansas City, Kans., thence over Kansas Highway 10 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Turner Turnpike at or near Tulsa, Okla., thence over Turner Turnpike to Oklahoma City, Okla., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7611; Filed, July 12, 1966;
8:48 a.m.]

[Notice 944]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 8, 1966.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING**MOTOR CARRIERS OF PROPERTY**

No. MC 127161 (Republication), filed April 9, 1966, published *FEDERAL REGISTER* issues of April 28, 1965, and May 5, 1965, respectively, and republished, this issue. Applicant: KENNETH W. HULME and DONALD A. HULME, doing business as HULME PRODUCE, Hagerman, Idaho. By application filed April 9, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bananas and exempt commodities under section 203(b)(6) of the Interstate Commerce Act, from points in Wilmington, Los Angeles, San Francisco, and Alameda Counties, Calif., to Boise and Twin Falls, Idaho, and exempt commodities, on return. The application was referred to Examiner Dallas B. Russell for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 21, 1966, at Boise, Idaho. At the hearing the application was amended seeking authority as a contract carrier. A report and order of the Commission, served May 20, 1966 which became effective June 23, 1966, finds that applicant is fit, willing, and able properly to perform the services of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operations, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, in the transportation of:

- (1) Bananas from points in the Los Angeles, Calif., commercial zone and the Los Angeles, Calif., harbor commercial zone as defined by the Commission, and
- (2) fruits and vegetables which fall within the exemption of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time in mixed loads with bananas, from points in California to (a) Boise, Idaho, under a continuing contract with Boise Fruit & Produce Co., of Boise, Idaho, and (b) Twin Falls, Idaho, under a continu-

ing contract with Hunter Produce Co. of Twin Falls, Idaho, subject to the condition that applicant shall request in writing for coincidental revocation of permit No. MC-119796 which authorizes the transportation of bananas from Wilmington, Calif., to Boise, Idaho, and also subject to a condition against the issuance of a permit until after the elapse of 30 days from the date of publication in the *FEDERAL REGISTER* of the authority here recommended, will be consistent with the public interest and the national transportation policy. The examiner further finds that prior to the issuance of an appropriate permit herein, a proper notice of the complete scope of the authority granted herein should be published in the *FEDERAL REGISTER* in order to allow a 30-day period during which any interested party affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9461. Authority sought for control by BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158, of RED ARROW TRANSPORTATION COMPANY, INC., 1401 Independence Avenue, Kansas City, Mo., and for acquisition by GERALD E. MATTOX, CLARE MATTOX, both of 1705 Hillcrest, Marshalltown, Iowa, KENNETH W. ALDINGER, 2004 South Sixth Street, Marshalltown, Iowa, and WILLIAM L. WELP, 622 Elmwood Drive, Marshalltown, Iowa, of control of RED ARROW TRANSPORTATION COMPANY, INC., through the acquisition by BOS LINES, INC. Applicants' attorney: Jack H. Blanshan, 408 South 12th Avenue, Marshalltown, Iowa. Operating rights sought to be controlled: General commodities, with numerous specified exceptions, as a common carrier, over regular and irregular routes, between certain specified points in Kansas, Arkansas, Missouri, and Oklahoma, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, with certain specified restrictions, as more specifically described in Docket No. MC-665 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. BOS LINES, INC., is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has been

filed for temporary authority under section 210a(b).

No. MC-F-9462. Authority sought for purchase by CARL O'NEAL TRUCK LINE, INC., Highway 59 West, El Campo, Tex., of the operating rights of FRENCHIE MAE NORRIS, 1709 Dis-muke, Houston, Tex., and for acquisition by CARL M. O'NEAL, Post Office Box 149, El Campo, Tex., of control of such rights through the purchase. Applicants' attorney: Harry W. Patterson, 1808 First City National Bank Building, Houston, Tex. (The operating rights sought to be transferred herein are presently in the name of LEE TRANSPORTATION CO., INC., 5225 Mayle, Houston, Tex., which has concurrently filed an application under section 212(b), in MC-FC-68939 seeking to transfer the said rights to FRENCHIE MAE NORRIS). Operating rights sought to be transferred: Oilfield equipment and supplies, as a common carrier, over irregular routes, between points in Louisiana and Texas, with restrictions; and machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vendee is authorized to operate under a certificate of registration, as a common carrier, solely in the State of Texas. Application has not been filed for temporary authority under section 210a(b). NOTE: The application herein is contingent upon approval of the above mentioned pending section 212(b) application.

No. MC-F-9463. Authority sought for purchase by SPEDCO, INC., 500 Park Avenue, New York, N.Y. 10022, of the operating rights and property of NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind., and for acquisition by PEPSICO, INC., also of New York, N.Y. 10022, of control of such rights and property through the purchase. Applicants' attorneys: Irving J. Raley, 1411 K Street NW., Washington, D.C. 20005, and G. Zan Golden, Post Office Box 988, Fort Wayne, Ind. Operating rights sought to be transferred: Numerous specified commodities, crated and uncrated, among others, as a common carrier, over regular and irregular routes, from, to, and between certain specified points in the United States (except Hawaii), and the District of Columbia, serving various intermediate and off-route points, with certain specified restrictions, as more specifically described in Docket No. MC-107012 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. SPEDCO, INC., holds no authority from this Commission. However, its controlling stockholder has a wholly owned subsidiary LEASE PLAN INTERNATIONAL CORP.,

130 Steamboat Road, Great Neck, N.Y. 11022, which, in turn, has the following wholly owned subsidiaries:

(1) RELAY TRANSPORT, INC., 130 Steamboat Road, Great Neck, N.Y. 11022, which is authorized to operate as a contract carrier in New York, Virginia, Delaware, Maryland, New Jersey, Pennsylvania, Connecticut, Massachusetts, and the District of Columbia; (2) MARKET HAULAGE, INC., 333 North Bedford Road, Mount Kisco, N.Y., which is authorized to operate as a contract carrier in New York, Connecticut, Rhode Island, New Jersey, and Maryland; (3) FOOD TRANSPORT, INC., 1601 Bronx-dale Avenue, New York, N.Y., which is authorized to operate as a contract carrier in New York, New Jersey, and Connecticut; and (4) NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Post Office Box 8096, Dawson Station, Tulsa, Okla., which is authorized to operate as a common carrier in all States in the United States (except Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). Note: Related to the above summarized application is an application in Docket No. MC-F-9464, wherein SPEDCO, INC., seeks approval under section 5(1) of the Interstate Commerce Act, of its continuance, as principal, in lieu of NORTH AMERICAN VAN LINES, INC., under currently effective contracts, agreements, and arrangements, for the pooling of traffic, service, and gross and net earnings, or a portion thereof. See NORTH AMERICAN VAN LINES, INC., 60 M.C.C. 701.

No. MC-F-9465. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 Southeast Eighth Street, Minneapolis, Minn. 55414, of a portion of the operating rights of CHARLES STUHAUG, doing business as CHARLES STUHAUG TRUCKING, Fertile, Minn., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 400 Minnesota Building, Saint Paul, Minn. 55101. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Gary, Minn., and Grand Forks, N. Dak., serving all intermediate points (1) on Minnesota Highway 32 between junction Minnesota Highway 32 and unnumbered highway located 1 mile west of Gary and junction Minnesota Highway 32 and Minnesota Highway 102 located about 1 mile north of Fertile, Minn., including such junctions, and (2) on Minnesota Highway 102 between junction Minnesota Highway 102 and Minnesota Highway 32 located about 1 mile north of Fertile, Minn., and junction Minnesota Highway 102 and Minnesota Highway 9 located about 1 mile east and 1 mile south of Crookston, Minn., including such junctions. Vendee is authorized to operate as a common carrier in Minnesota and North

Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7612; Filed, July 12, 1966;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 8, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 15804, filed June 28, 1966. Applicant: BELL TRANSFER COMPANY, INC., Post Office Box 306, Old Montgomery Highway, Selma, Ala. Applicant's representative: J. Douglas Harris, 410-411 Bell Building, Montgomery, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting commodities generally, except explosives and commodities requiring special equipment or injurious to other lading, (1) between Catherine, Ala., and Thomasville, Ala., over Alabama State Highway No. 5, and (2) between Camden, Ala., and Pine Hill, Ala., serving the McMillan, Bloedel & Powell River, Ltd., plant at or near Pine Hill, Ala., over an unnumbered county road.

HEARING: August 2, 1966, at 2 p.m., 702 State Office Building, Montgomery, Ala. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 43,144M, filed June 16, 1966. Applicant: GOLDEN BELT EXPRESS, INC., 501 Stone, Great Bend, Kans. Applicant's representative: Erle W. Francis, VFW Building, 214 West Sixth Street, Topeka, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting property, between

points and places in Kansas as follows: Light express consisting of packages not exceeding 3 feet in height, width, or breadth or 6 feet in length and not exceeding 200 pounds in weight and no single shipment to exceed 800 pounds in weight: Between Hoisington, Kans., and Scott City, Kans., over the following highways: From Hoisington via U.S. Highway 281 to Russell, Kans.; thence via U.S. Highway 40 or Interstate 70 to Wakeeney and junction U.S. Highway 283; thence via U.S. Highway 283 to junction Kansas Highway 4; thence via Kansas Highway 4 to Ransom and return to U.S. Highway 283; thence via U.S. Highway 283 to Ness City, Kans.; thence via Kansas Highway 96 to Scott City; and also, between Kinsley, Dodge City, and Jetmore, Kans., on the following highways: From Kinsley, Kans., via U.S. Highway 56 to Dodge City, Kans., and from junction U.S. Highway 56 and U.S. Highway 283 at or near Wright, Kans.; thence via U.S. Highway 283 to Jetmore, Kans., with service to be authorized to, from, and between Hoisington, Russell, Hays, Ellis, Wakeeney, Ransom, Ness City, Dighton, Scott City, Kinsley, Dodge City, Jetmore, and all other points and places on the proposed extension, and between all points and places on the proposed extension on the one hand and all points presently authorized to be served on the other, except that the commodities consisting of:

(a) Vehicle exhaust, tailpipe, tubing and television antennas shall have a length limitation not to exceed 10 feet; (b) articles, or packages consisting of engines, engine blocks, cylinder heads and transmissions shall have a weight limitation so that no single article or package shall exceed 350 pounds; and (c) frozen foods and dry ice shall have a single shipment limitation not to exceed 1,500 pounds. Restricted to offer or perform no service to, from, or between points and places on the extension and on the extension on the one hand and presently authorized points on the other for the transportation of commercial papers, documents, and written instruments (except coins, currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions. Applicant seeks corresponding authority to operate in interstate or foreign commerce under section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962.

HEARING: Not determined at present time. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Kansas State Corporation Commission, Transportation Division, Topeka, Kans., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7614; Filed, July 12, 1966;
8:48 a.m.]

[Notice 211]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 102616 (Sub-No. 806 TA), filed July 5, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Polyvinyl chloride resins and compounds, in hopper trailers, from North Bergen, N.J., to Rockaway, N.J., restricted to traffic having a prior movement by rail, for 180 days. Supporting shipper: Ethyl Corp., Box 341, Baton Rouge, La. 78021. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 107002 (Sub-No. 319 TA), filed July 6, 1966. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. Applicant's representative: D. D. Kennedy, Post Office Box 1123, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, dry, in bulk (except urea) from Memphis, Tenn., to points in Arkansas and Mississippi, for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 848, Pascagoula, Miss. 39567. Send protests to: District Supervisor, Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 320 U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107839 (Sub-No. 106 TA), filed July 5, 1966. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Marion F. Jones, Attorney, Jones, Meiklejohn, Kehl & Lyons, Suite 420, Denver Club Build-

ing, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plant and warehouse sites of Fort Morgan Dressed Beef, Inc., at Fort Morgan, Colo., and Sterling Colorado Beef Packers at Sterling, Colo. restricted to traffic originating at such sites, to points in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shippers: Sterling Colorado Beef Packers, Sterling, Colo. 80751; Fort Morgan Dressed Beef, Inc., Fort Morgan, Colo. 80701. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2020 Federal Office Building, Denver, Colo. 80202.

No. MC 114533 (Sub-No. 143 TA), filed July 5, 1966. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commercial papers, documents, and written instruments (except coins, currency, and negotiable securities) as are used in the conduct of banks and banking institutions, between St. Louis, Mo., on the one hand, and, on the other, points in Daviess, Dubois, Gibson, Greene, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, Warrick Counties, Ind., for 180 days. Supporting shipper: Federal Reserve Bank of St. Louis, St. Louis, Mo. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 118364 (Sub-No. 1 TA), filed July 5, 1966. Applicant: LYLE W. SCHAEZEL, doing business as SCHAEZEL TRUCKING CO., 2436 Algoma Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Condensed skim milk, in bulk, in tank vehicles, from Avoca, Iowa, to Fond du Lac, Wis., for 150 days. Supporting shipper: Gallo-way-West Co., Fond du Lac, Wis. 54935. W. E. Bertz, distribution manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 123393 (Sub-No. 140 TA), filed July 5, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Box 965, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from points in Morgan County, Colo., to points

in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, Missouri, Oklahoma, Kansas, and Alabama, for 180 days. Supporting shipper: Fort Morgan Dressed Beef, Inc., Fort Morgan, Colo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123393 (Sub-No. 141 TA), filed July 5, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORP., 2105 East Dale, Box 965, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, from point in Logan County, Colo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, Missouri, Oklahoma, and Kansas, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123407 (Sub-No. 27 TA), filed July 5, 1966. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Van Osdel, Foss & Johnson, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing and roofing materials, from Minneapolis and St. Paul, Minn., to points in Wisconsin, for 180 days. Supporting shippers: U.S. Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606; the Ruberoid Co., South Bound Brook, N.J. 08880; B. F. Nelson Manufacturing Co., 401 Main Street NE., Minneapolis, Minn. 55413. Send protests to: C. H. Berquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124251 (Sub-No. 14 TA), filed July 5, 1966. Applicant: JACK JORDAN, INC., U.S. Highway 41 North, Post Office Box 688, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, Attorney at Law, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Latex and latex compounds, in bulk, in tank vehicles, from points in Whitfield County, Ga., to Chattanooga, Tenn., for 180 days. Supporting shippers: The Dow Chemical Co., Freeport, Tex. 77541; Consolidated La-

tex Co., 1908 Cowart Street, Chattanooga, Tenn. 37408. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga. 30308.

No. MC 128298 (Sub-No. 1 TA), filed July 5, 1966. Applicant: ROBERT CAMARIGG, Post Office Box 37, Washta, Iowa 51061. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* in bags and in bulk, from Sioux City, Iowa, to points in Nebraska and South Dakota and *damaged and rejected merchandise*, on return movement, for 180 days. Supporting shipper: The Quaker Oats Co., N. J. Meinhardt, Traffic Department, Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 128322 (Sub-No. 1 TA), filed July 5, 1966. Applicant: MAURICE TRAVER, doing business as KEN'S DELIVERY, 3415 Sixth Avenue, Sioux City, Iowa 51106. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electronic and electric-mechanical computers*, uncrated, from Sioux City, Iowa, to points in Big Stone, Lacquiparle, Lincoln, Lyon, Murray, Nobles, Pipestone, Rock, Traverse, and Yellow Medicine Counties, Minn.; Cherry, Dixon, Dakota, and Thurston Counties, Nebr.; and South Dakota, for 150 days. Supporting shipper: Lee Frank, branch manager, Burroughs Corp., Sioux City, Iowa 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 128372 TA, filed July 5, 1966. Applicant: PHILPOT CONTRACTING CO., INC., 880 Warner Street SW., Atlanta, Ga. Applicant's representative: R. F. Philpot, Philpot Contracting Co., Inc., 880 Warner Street, SW., Atlanta, Ga. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Property of Bell System—Telephone Electronic Equipment*, between Atlanta, Ga., and points in Kentucky, Tennessee, Alabama, Florida, Louisiana, North Carolina, South Carolina, and Mississippi, for 180 days. Supporting shipper: Southern Bell Telephone & Telegraph Co., Hurt Building, Atlanta, Ga. 30303. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, 680 West Peachtree Street NW., Room 300, Atlanta, Ga. 30308.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7615; Filed, July 12, 1966; 8:48 a.m.]

[Notice 1380]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 8, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68759. Corrected notice¹ by order of May 25, 1966, the Transfer Board approved the transfer to Carmelo F. Catalano, doing business as Central Express & Van Co. and Central Moving & Storage Co., New York, N.Y. 10016, of that portion of the operating rights of Frank Rotondo, doing business as Frank & Brothers Moving & Storage, Bronx, N.Y. 10459, in certificate No. MC-5466, issued September 26, 1962, authorizing the transportation, over irregular routes, of household goods, as defined, between points in the New York, N.Y., commercial zone, as defined, by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, Ohio, Rhode Island, Virginia, Illinois, the District of Columbia, and points in Pennsylvania except those within the Philadelphia, Pa., commercial zone as defined by the Commission. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-68834. Corrected notice² by order of June 16, 1966, the Transfer Board approved the transfer to A. Girodano Trucking Corp., Union, N.J., a portion of the operating rights in certificate No. MC-66645, issued to Sea Shore Express Co., Inc., Newark, N.J., authorizing the transportation, of: General commodities, and household goods as defined by the Commission, except commodities in bulk, between specified points in New York and New Jersey. Bert Collins, 140 Cedar Street, New York, N.Y. 10006, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7616; Filed, July 12, 1966; 8:48 a.m.]

[Ex Parte No. MC-40 (Sub-No. 2)]

MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

JULY 8, 1966.

Petition by Dependable Trucking Co. requesting modification of findings in

¹ Corrected to include certain authority in Pennsylvania.

² Corrected to include except commodities in bulk.

Ex Parte No. MC-2, 28 M.C.C. 125, so as to bring the mechanics employed by it under the provisions of section 204(a) of the Interstate Commerce Act.

At the request of interested persons, the time for filing written representations in favor of, or against, the proposed modification is extended to August 8, 1966.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7617; Filed, July 12, 1966; 8:48 a.m.]

[Ex Parte No. MC-64]

[General Temporary Order No. 2]

MOTOR CARRIER SERVICES DUE TO THE CESSATION OF NORMAL AIR TRANSPORTATION OCCASIONED BY WORK STOPPAGES

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D.C., on the 8th day of July 1966.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal air transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, certain common carriers by air are unable to transport passengers and property tendered to them; and that an emergency exists in many sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and the immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense;

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any Regional Director or District Supervisor of the Commission's Bureau of Operations and Compliance (30 F.R. 10069) are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such Regional Director or District Supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent

need for the service applied for, and that there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said Regional Director or District Supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after air service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 8th day of July 1966;

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7618; Filed, July 12, 1966;
8:48 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties; Corrected Order¹

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of June 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to transferring the

¹ In Item 4.2(t) reference to sec. 313(1) corrected to read sec. 303(1).

initial decision-making responsibility in the area of water carrier applications for temporary authority from Division 1 to the Temporary Authorities Board and authorizing the Temporary Authorities Board to decide initial applications for temporary authority received as a result of a strike:

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302, and 31 F.R. 242 and 4762), be further amended in the following particulars:

1. Under the heading Assignment of Duties to Division, Item 4.2(t) is amended to read as follows:

4.2 Division 1—Operating Rights Division.

(t) Sections 303(1), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by an Operating Rights Board pursuant to Item 7.11(a) (1).

2. Under the heading Assignments to Boards, Item 7.4(a) is amended to read as follows:

7.4 Temporary Authorities Board:

(a) Sections 210(a) and 311(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle or water, respectively, except applications involving broad questions of policy, matters in which the decision of the Board would be inconsistent with an order of the Commission or a division, and matters in which substantially the same question is already before the Commission or a division. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4(e).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7619; Filed, July 12, 1966;
8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

REGIONAL COMMISSIONERS OF CUSTOMS AND DISTRICT DIRECTORS OF CUSTOMS

Notice of Distribution of Functions

There is published below a new paragraph E that has been added to Bureau of Customs Circular (MAN-9-CC), published in the FEDERAL REGISTER of October 29, 1965 (30 F.R. 13790), relating to the distribution of functions delegated to regional commissioners of customs and district directors of customs. The added paragraph furnishes guidance to the public for the transaction of business with the Customs Service.

Dated: July 6, 1966.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

E. Transaction of business with customs officers. Prior to the reorganization of the Customs Service by Treasury Department Order No. 165-17 (T.D. 56464, 30 F.R. 10913), it was required that certain documents be filed with, and that certain information be furnished and reports be made to the collector of customs, or in some cases the appraiser of merchandise. It was also required that certain payments of money be made to the collector and that, in certain cases, merchandise be delivered to, or transferred to the custody of, the collector. For certain purposes, merchandise was consigned to the collector of customs. Except in Customs Region II, New York, these and similar transactions shall be had with the district director of customs, if at the district headquarters, or with the customs officer in charge of the port, if not at the district headquarters. Merchandise which formerly would have been consigned to the collector shall be consigned to the district director. If it is delivered at a port other than the district headquarters it will be received by the customs officer in charge of the port. At the port of New York the above-mentioned and similar transactions shall be had with the regional commissioner of customs for Customs Region II, New York. At ports in Customs Region II other than the port of New York, the procedure shall be the same as at other non-headquarters ports.

[F.R. Doc. 66-7590; Filed, July 12, 1966;
8:46 a.m.]

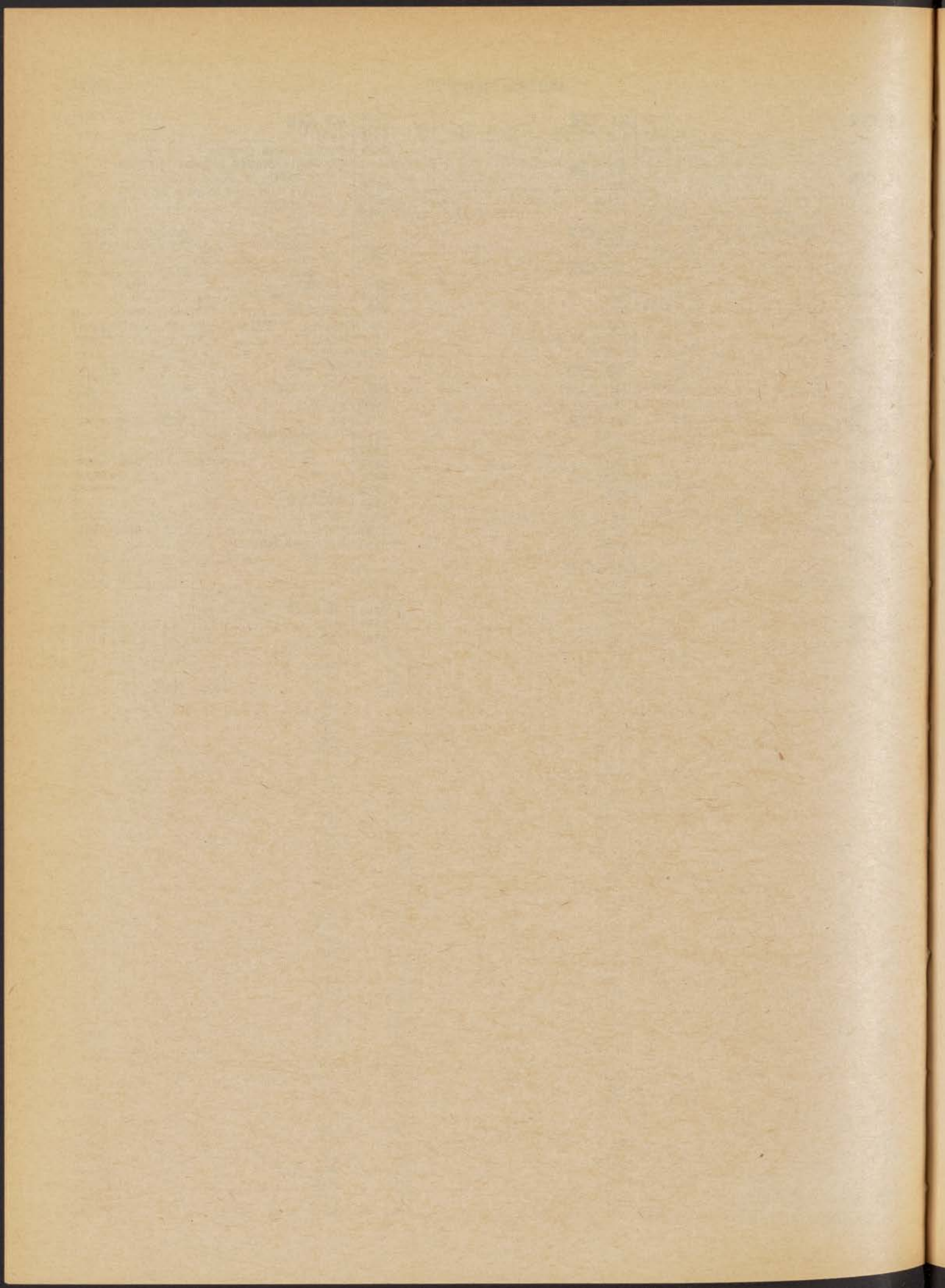
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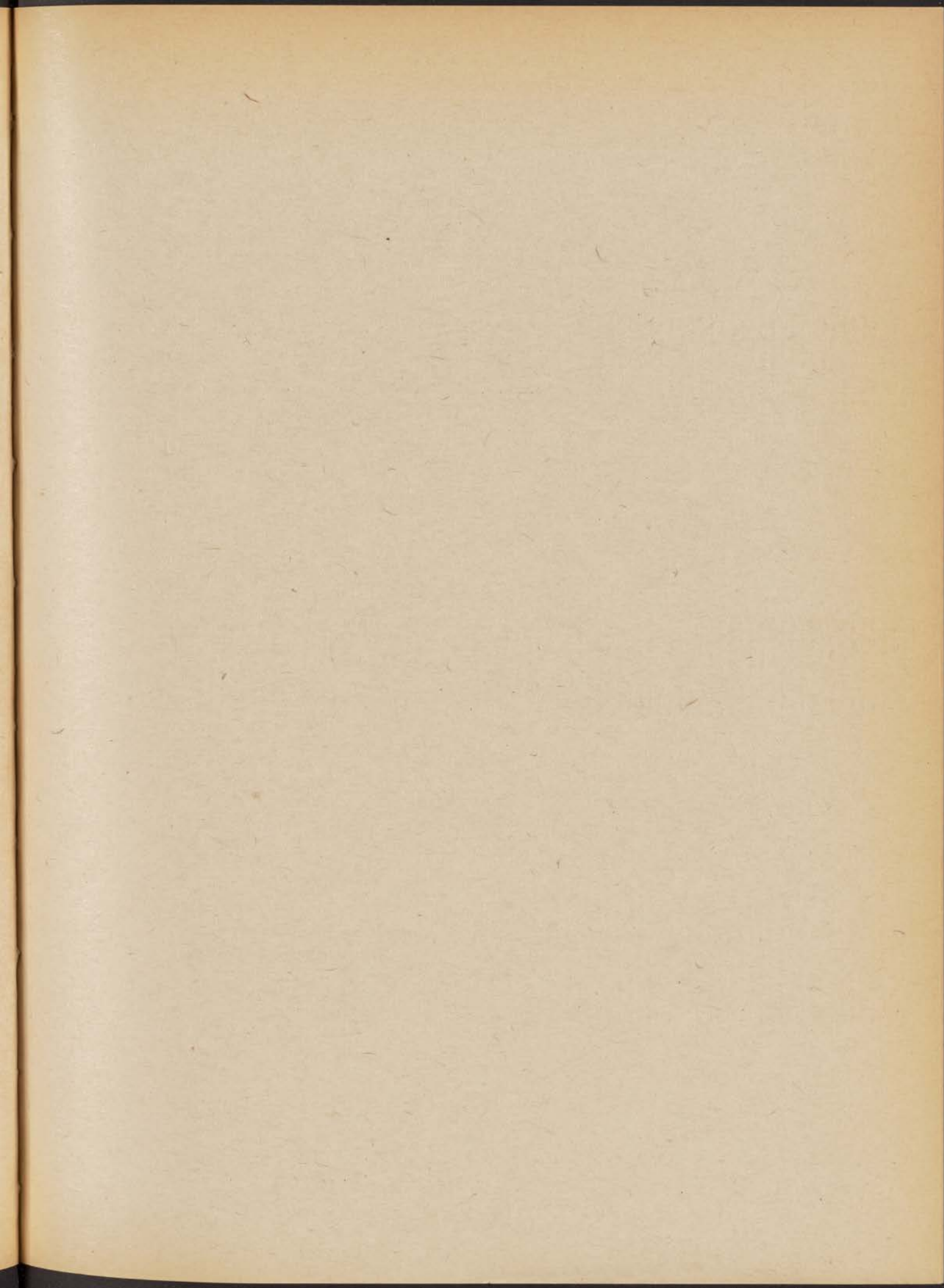
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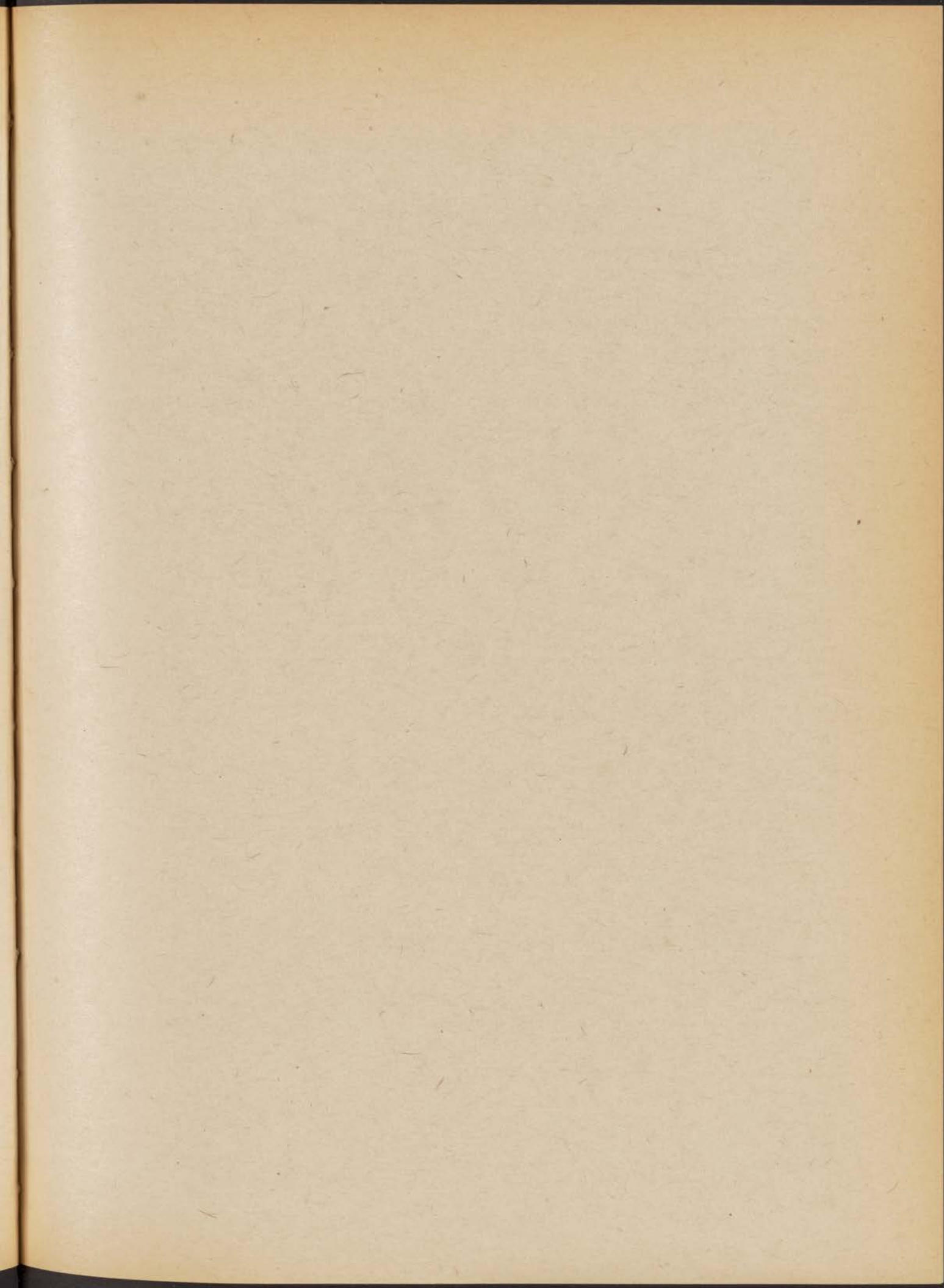
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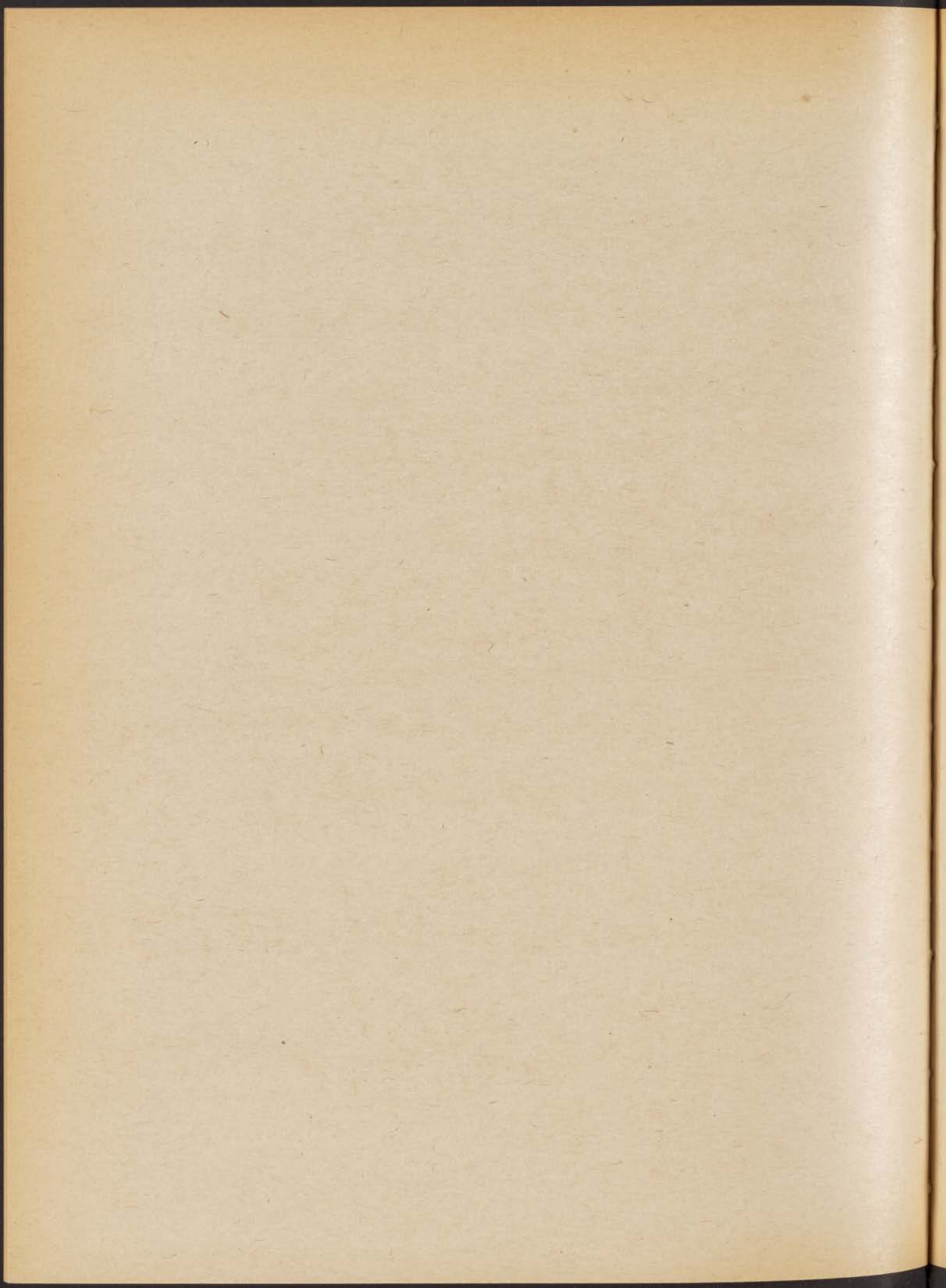
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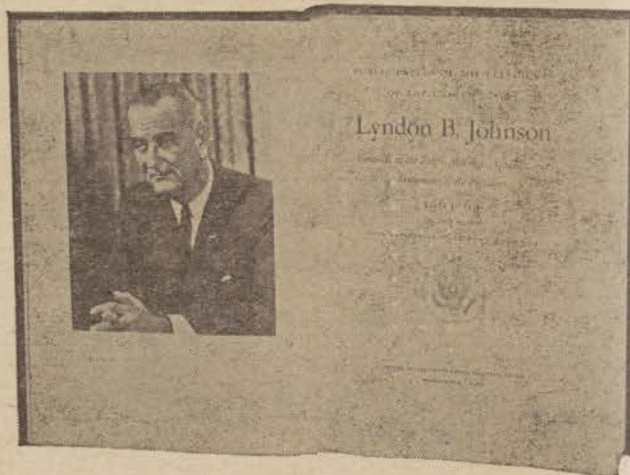
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